

INFORMATIONAL HEARING AND SITE VISIT
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
Application for)
Certification for) Docket No. 00-AFC-4
Southern Energy's POTRERO)
POWER PLANT UNIT 7 PROJECT)
_____)

POTRERO HILL NEIGHBORHOOD HOUSE
953 DE HARO STREET
SAN FRANCISCO, CALIFORNIA

THURSDAY, NOVEMBER 9, 2000

1:00 P.M.

Reported by:
Debi Baker
Contract No. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Robert Pernell, Presiding Member

STAFF PRESENT

Stanley Valkosky, Hearing Officer

Ellen Townsend-Smith, Advisor to
Commissioner Pernell

Terry O'Brien, Advisor to Chairman Keese

Marc S. Pryor, Project Manager

Monica Schwebs, Staff Counsel

PUBLIC ADVISER

Priscilla Ross

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INTERVENOR

Southeast Alliance for Environmental Justice
Karina Garbesi, Assistant Professor
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ALSO PRESENT

Greggory L. Wheatland, Deputy City Attorney
Deanna Cardenas, Office of the Mayor
City and County of San Francisco
Office of the City Attorney
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David L. Mayer, Ph.D., Vice President
Tenera Energy
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Mr. Lynn Brown

Anne Simon, Communities for a Better Environment

Mike Thomas, Communities for a Better Environment

Dick Millet, Potrero Boosters Neighborhood
Association

Ms. Lynn Brown

ALSO PRESENT

Eddie Contrero

Babette Drefke

Edward Hatter

Ena Aquirre

Will Rostov, Communities for a Better Environment

Phillip De Andrade, Chair, Potrero Hill Community
Advisory Task Force

David Henzl

James Browne

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1 P R O C E E D I N G S

2 1:00 p.m.

3 PRESIDING MEMBER PERNELL: Good

4 afternoon and welcome. Thank you for coming.

5 This is an informational hearing conducted by the
6 Committee of the California Energy Commission on
7 the proposed Potrero Power Plant Unit 7 Project.

8 The Commission has assigned a Committee
9 to this project made up of two Commissioners,
10 myself, Commissioner Pernell, I'm the Presiding
11 Member; Commissioner Keese is the Associate
12 Member, represented here today by his Advisor,
13 Terry O'Brien. Mr. O'Brien is right there to my
14 left.

15 Also Mr. Stanley Valkosky is the Hearing
16 Officer who is to my immediate left. And my
17 Advisor, Ellie Townsend-Smith, is to my right.

18 Mr. Valkosky will be conducting the
19 hearing today for this proceeding. And, Mr.
20 Valkosky, would you please begin.

21 HEARING OFFICER VALKOSKY: Thank you,
22 Commissioner Pernell. At this time I'd like the
23 parties to introduce themselves, their
24 representatives.

25 Mr. Varanini.

1 MR. VARANINI: My name is Gene Varanini
2 and I'm with the lawfirm of Livingston and
3 Mattesich in Sacramento, California. And I'm the
4 project counsel.

5 Mark Harrer, who is the Project Director
6 for the Southern Company, will be in here in a
7 minute. I think he's talking to the press right
8 now.

9 Dale Shileikis with URS Corporation over
10 here to my far left, is the Project Manager for
11 the consulting firm that's providing consultative
12 services, and developed the AFC, and will be
13 working with a whole team of technicians and
14 experts to respond to questions that are asked
15 during the proceedings. And they prepare much of
16 the AFC.

17 On my immediate left is John Robinson,
18 who is a colleague of Dale's. And behind me we
19 have experts in a whole variety of areas who will
20 be available to answer discrete questions today
21 from the staff, from interested members of the
22 public, and from other folks who'd like to
23 participate in the proceeding.

24 I think with that we'll -- when we have
25 our chance to give our project description, Mark

1 will introduce himself. And then he will make a
2 presentation to you and we can go from there.

3 Thank you very much for your time, and
4 we'd like to thank folks for turning out. It's a
5 real indices of the concern that people have in
6 the San Francisco area, and their history of
7 participation. I've worked on several projects
8 here and we've had significant real public
9 involvement and interaction in the projects. So,
10 thank you very much.

11 HEARING OFFICER VALKOSKY: Thank you,
12 Mr. Varanini. Mr. Pryor.

13 MR. PRYOR: My name is Marc Pryor; I'm
14 the Project Manager for the California Energy
15 Commission. I work in the Siting Office.

16 To my right is one of two of the project
17 attorneys, Ms. Monica Schwebs. The other is Dick
18 Ratliff, but he could not be here today. Thank
19 you.

20 HEARING OFFICER VALKOSKY: The Committee
21 also recently granted a petition to intervene by
22 the organization, The Southeast Alliance for
23 Environmental Justice. Is there a representative
24 of that intervenor present?

25 Could you identify yourself, please?

1 PRESIDING MEMBER PERNELL: Excuse me,
2 would you come forward to the mike and identify
3 yourself and the organization you're with.

4 HEARING OFFICER VALKOSKY: Yes, I'd like
5 to remind everyone that when you're speaking you
6 have to speak into a mike since we're being
7 recorded today. And otherwise the reporter won't
8 be able to pick up everything.

9 MS. GARBESI: My name is Karina Garbesi.
10 I'm a Professor of Environmental Studies at Cal
11 State University Hayward. I'm a consultant to the
12 Golden Gate University Law School's Environmental
13 Law and Justice Clinic, which is representing the
14 Southeast Alliance for Environmental Justice.

15 HEARING OFFICER VALKOSKY: Thank you.
16 At this time there's also a representative of the
17 City and County of San Francisco?

18 MR. WHEATLAND: Good afternoon. I'm
19 Gregg Wheatland, I'm a Deputy City Attorney for
20 the City and County of San Francisco. And I'll be
21 representing the City and the various city
22 departments that will participate in this
23 proceeding.

24 Also with me today is Deanna Cardenas
25 who will be helping to coordinate the City's

1 participation through the Office of the Mayor.

2 Thank you very much.

3 PRESIDING MEMBER PERNELL: Thank you,
4 welcome.

5 HEARING OFFICER VALKOSKY: Thank you,
6 Mr. Wheatland. And lastly I'd like to point out a
7 representative of our Public Adviser's Office,
8 Priscilla Ross, who will be addressing you later
9 on the opportunities for public participation.

10 By way of background, Southern Energy
11 California filed an application with the Energy
12 Commission to obtain a license to build and
13 operate Potrero Unit 7 Project here in San
14 Francisco.

15 The purposes of today's hearing are to
16 provide information about the proposed power
17 plant, describe the Commission's licensing process
18 in reviewing the application, and to provide
19 information on opportunities to participate in
20 this process.

21 As I mentioned, later in the hearing the
22 Public Adviser's representative will explain how
23 you can obtain information about the project,
24 participate and offer comments during this review
25 process. Ms. Ross later will also tell you how to

1 intervene as a formal party, to present evidence,
2 and cross-examine witnesses in future portions of
3 this proceeding.

4 Today we have scheduled a site visit to
5 see the location where the project is proposed to
6 be built. In order to view the site during
7 daylight hours we will adjourn this first session
8 of the informational hearing at about 3:30 p.m.
9 and meet outside to join the applicant on a tour
10 of the site. Transportation will be provided.

11 After the site visit we will return here
12 and reconvene the second session of the
13 informational hearing at approximately 6:00 p.m.

14 On October 11th of this year the Energy
15 Commission accepted as complete Southern Energy's
16 application for certification for the Potrero
17 project. This is a nominal 540 megawatt natural
18 gas fired power plant proposed for construction at
19 the existing Potrero Power Plant site.

20 Notice of today's events was mailed on
21 October 20th to all parties, adjoining landowners,
22 interested governmental agencies and other
23 individuals. In addition, notice of today's
24 hearing was published in The San Francisco
25 Chronicle this past Sunday, November 5th.

1 Today's hearing is the first in a series
2 of formal Committee events that will extend over
3 approximately the next year. The Commissioners
4 conducting this proceeding will eventually issue a
5 proposed decision containing recommendations on
6 the project.

7 It is important to emphasize that the
8 Committee's proposed decision must, by law, be
9 based solely on the evidence contained in the
10 public record.

11 To insure that this happens, and to
12 preserve the integrity and impartiality of the
13 Commission's licensing process, the Commission's
14 regulations and the California Administrative
15 Procedure Act expressly prohibit private contacts
16 between the parties and the Committee members.
17 This prohibition against off-the-record
18 communications between the parties and the
19 Committee is known as the ex parte rule.

20 Basically this means that all contacts
21 between the parties and the Committee regarding a
22 substantive matter must occur in the context of a
23 public discussion such as today's event, or in the
24 form of a written communication that is
25 distributed to all the parties, and made part of

1 the public record.

2 The purpose of the ex parte rule is to
3 provide full disclosure to all participants of any
4 information that may be used as a basis for the
5 future decision on this project.

6 Additional opportunities for the parties
7 and governmental agencies to discuss substantive
8 issues with the public will occur in public
9 workshops to be held by the Commission Staff at
10 locations here in San Francisco and elsewhere.

11 Correct me if I'm wrong, Mr. Pryor, but
12 I believe the first such public workshop is
13 scheduled for November 20th, is that correct?

14 MR. PRYOR: You're correct; and it will
15 be here.

16 HEARING OFFICER VALKOSKY: Thank you.
17 Information regarding other communications between
18 the parties and governmental agencies is contained
19 in written reports or letters that summarize such
20 communications. These reports and letters are
21 distributed to the parties and made available to
22 the public. Information regarding hearing dates
23 and other events in this proceeding will also be
24 available on the Commission's website.

25 Before we turn to the Public Adviser's

1 presentation, I'd like to note that the
2 application for certification, what we refer to as
3 the AFC process, is a public proceeding in which
4 members of the public and interested organizations
5 are encouraged to actively participate and express
6 their views on matters relevant to the proposed
7 project.

8 The Committee is interested in hearing
9 from the community on any aspect of this project.
10 Members of the public are also eligible to
11 intervene in the proceeding. And if there are
12 potential intervenors we encourage you to file
13 petitions to intervene as soon as possible to
14 allow for your full participation.

15 In a moment I'll ask the Public
16 Adviser's representative to explain the public
17 participation process and to also provide an
18 update on her office's efforts to contact local
19 residents and other interested groups and
20 organizations regarding this proceeding.

21 After Ms. Ross' presentation, I'll then
22 ask the applicant, and then the staff, to make
23 their respective presentations. These, in turn,
24 will be followed by an opportunity for the
25 intervenor's comments, and then general comments

1 from the public and/or agencies present.

2 Today's hearing is somewhat of an
3 informal process. We will provide the time at the
4 end of each presentation for the parties and
5 members to ask questions.

6 Before we begin, are there any questions
7 about today's agenda? Okay, seeing no questions,
8 Ms. Ross.

9 MS. ROSS: My name is Priscilla Ross,
10 and I'm with the Office of the Public Adviser.
11 Roberta Mendonca, who is the Public Adviser, is
12 down in San Diego attending a conference about
13 energy.

14 And we're here today to let you know
15 that public participation is welcome and
16 encouraged by the California Energy Commission.
17 You can reach our office at (916) 654-4489. If
18 you'd like to call in on an 800 number and leave a
19 message, we can call you back. That's 800-822-
20 6228. We're also available by email at pao, for
21 Public Adviser Office, @energy.state.ca.us.

22 All of this information is in this blue
23 flyer which is over here on the table and
24 available to you.

25 We've sent out more than a thousand of

1 these flyers through the local schools close to
2 this area to let people in the neighborhood know
3 that this meeting was being held today.

4 And we've had several people call and
5 sign up for the bus transfer, so we know that the
6 local people are aware that this is happening. In
7 addition to the newspaper article that was
8 published.

9 We've fielded numerous phone calls from
10 people in the area already and they're working
11 with several different environmental groups that
12 are interested in being involved and participating
13 in this process.

14 So, it seems that the local area is very
15 well represented by people that are aware that the
16 plant is being proposed, and have an opportunity
17 to participate.

18 There are actually two levels of
19 participation. You can come as a public person
20 and offer your opinion and your comments. All of
21 our meetings, as Stan explained, are open to the
22 public. And you have a right, and you're
23 encouraged, to let us know what your opinion is
24 about the proposal or parts of the proposal. You
25 have a right to be involved.

1 There is a second level of participation
2 which is much more formal. It's called
3 intervention. If someone is interested in doing
4 that, they actually become a party in the case.
5 And they take on a role of responsibility and
6 benefits of getting each and every document that's
7 supplied through the case. Being involved, able
8 to call witnesses and offer testimony, sworn
9 exhibits and those sort of things, when the
10 hearing gets down to actually presenting evidence.

11 And then they can also have a right to
12 present their ideas about what should happen with
13 the case.

14 So, if you're interested in the more
15 formal level of participation, it's something that
16 you would want to let us know about and become
17 involved as early as you want to.

18 We have a whole book that explains and
19 has forms and guidelines and things like that. I
20 have one with me. You're certainly welcome to a
21 copy of it. So if anyone's interested in that
22 level of participation we certainly would want to
23 talk to you about that.

24 Our office is really here to make sure
25 that the lines of communication stay open, that

1 the public has a right to know what's going on in
2 the case, has a right to know how to get copies of
3 whatever it is they want, that the public is
4 completely involved, the record is totally open to
5 anyone that wants to know what's going on.

6 I want to tell you about a couple other
7 things that we use here. I want you to know how
8 to get in touch with our office, that's what the
9 flyer is for. So, please don't leave without one
10 of those. Copy it and give it to your friends if
11 you want to. We want them to know that the
12 plant's happening, and that they have a right to
13 participate.

14 We also have a timeline that explains
15 the different phases that happen while the plant
16 is being sited, so that you can get an idea how
17 long this is going to take and what kind of
18 hearings and workshops occur.

19 The most important piece is this sign-in
20 sheet that's at the front door. Please do not
21 leave without giving us your name and address if
22 you're interested in hearing about additional
23 meetings and workshops. Nothing upsets the CEC
24 more, or at least the Public Adviser's Office for
25 sure, than when the construction starts on a

1 plant, for people to call us in the neighborhood
2 and say, nobody told us.

3 Because we're here now, way ahead of
4 time, letting you know what's going to happen, and
5 the process that we go through is very thorough,
6 and you have a right to intervene, you have a
7 right to be involved. But you need to take on
8 that responsibility. And if you don't sign up for
9 the mailing list, you may not know when the next
10 workshop or the next meeting is. So that's a very
11 important part.

12 We also use these, which are the little
13 blue cards, when you want to make comments or
14 presentations with the Commissioners here at the
15 meeting. And I have these over, if you want to
16 come and fill one out, put your name down.

17 We take them in order, and if there's a
18 whole lot of people who want to comment, then we
19 make sure that everyone gets a chance to
20 participate.

21 If you don't want to make your comments
22 orally at the meeting, or if you go home and think
23 about something and you want it answered, we have
24 a comment form that you can fill out and mail to
25 our office. Or that you can complete and turn in

1 to me before today.

2 We don't want you to feel that you can't
3 get the information that you need. We want to be
4 able to answer your questions. This is your
5 neighborhood, this is a project that's being
6 proposed here. So we want to make sure that the
7 public fully understands how to participate and
8 gets that opportunity.

9 So, please see me, or get one of the
10 blue flyers and contact us in some way if you need
11 any information about public participation at all.

12 HEARING OFFICER VALKOSKY: Thank you,
13 Ms. Ross. Are there any questions for the Public
14 Adviser? There are none.

15 Okay, now this part of the agenda is
16 going to turn to a general presentation by the
17 applicant, and then the staff, as well as the
18 intervenor.

19 After that we'll continue with a
20 discussion of scheduling and substantive issues
21 identified by staff in its November 3rd issue
22 report.

23 With that, Mr. Varanini.

24 MR. VARANINI: Mr. Harrer.

25 HEARING OFFICER VALKOSKY: Mr. Harrer.

1 MR. HARRER: Good afternoon. If you'll
2 bear with me a second I've got to set up a slide
3 show. It takes a couple seconds to come on.

4 (Pause.)

5 MR. HARRER: Can we turn some of the
6 lights down a little bit?

7 Okay. Good afternoon. My name, again,
8 is Mark Harrer. I'm the Project Director for
9 Southern Energy California. And I'm here this
10 afternoon to help clarify some of the points
11 regarding our project, the Potrero Unit 7
12 expansion.

13 This afternoon I want to cover a couple
14 points. Who Southern is, specifically. How power
15 reaches San Francisco. Why having reliable power
16 in San Francisco is critical to those that live
17 and work here. What our proposed plans are. And
18 then finally, we have a few pictures to show you
19 what the plant will look like.

20 First thing, Southern Energy California
21 is an independent energy company and is a
22 subsidiary of Southern Energy. Southern Energy is
23 one of the nation's largest independent power
24 companies. SECAL has offices locally in Walnut
25 Creek and employs about 200 people in the Bay

1 Area.

2 Our parent company, Southern Energy,
3 does two things. They produce electricity by
4 owning and operating merchant power plants
5 throughout the United States, and they trade
6 electric power. We also operate in 11 foreign
7 countries.

8 In 1989 Southern Energy purchased three
9 Bay Area power plants from PG&E. PG&E put these
10 plants up for sale as part of the deregulation
11 process and their decision to divest themselves of
12 their thermal power plants.

13 This map shows the location of those
14 power plants. The Pittsburg and Contra Costa
15 plants are both located in Contra Costa County.
16 The third, Potrero, is located in San Francisco
17 very close to this area, and is the subject of my
18 comments today.

19 It's important to add that these three
20 plants are critical to the reliability and
21 electricity needs of the Bay Area.

22 Since the blackout in December 1998 and
23 the subsequent power shortages that have occurred,
24 the City has focused on the reliability of its
25 energy supply. Being at the end of a radial

1 supply line, the City is particularly vulnerable
2 to energy interruptions. A major goal of the City
3 has been to improve energy reliability.

4 A second goal is the closure of the
5 Hunter's Point Power Plant. The City and PG&E
6 have entered into a memorandum of understanding
7 that says Hunter's Point will be closed when
8 sufficient electric capacity is available to
9 replace Hunter's Point. These two goals are why
10 we're here today.

11 We believe new efficient and
12 environmentally clean generation is essential to
13 meeting the City's energy goals. Hunter's Point
14 is a very old plant, and its ability to continue
15 to operate is in question.

16 The project we are proposing today would
17 both solve the City's energy and reliability
18 problems and allow closure of Hunter's Point. The
19 new Potrero 7 Unit is the only solution that will
20 accomplish both of these goals.

21 Over the past 20 years technology has
22 greatly improved our ability to produce more power
23 and cheaper and cleaner power. The existing
24 Potrero Power Plant is old technology, as are
25 virtually all the other existing power plants in

1 California.

2 We will continue to upgrade our plants
3 to meet environmental standards and add efficiency
4 improvements. But the fact remains that new
5 technology is more efficient, a lot more
6 efficient.

7 Unit 7 will add 540 megawatts of cost
8 effective clean energy to serve San Francisco.
9 The upgrade of Potrero that we are proposing will
10 be state of the art, both environmentally and in
11 terms of efficiency.

12 It's called a combined cycle gas turbine
13 plant. The gas turbine part of this equation
14 consists of two natural gas fired turbines. Each
15 turbine is capable of producing about 175
16 megawatts of energy.

17 The combined cycle comes from the fact
18 that the plant uses two technologies to produce
19 energy. Gas is the first, and steam is the
20 second.

21 The exhaust gases from the gas turbine
22 are directed through a sophisticated boiler to
23 create steam. An additional 190 megawatts of
24 energy is extracted when the steam goes through a
25 steam turbine generator. The combination of these

1 two technologies, gas and steam, produces
2 electricity 40 percent more efficiently than old
3 conventional boiler designs. This translates into
4 lower fuel use for the power produced.

5 This new plant is also a lot cleaner
6 than power plants in the past. California has the
7 strictest environmental laws in America. In order
8 to be licensed the Potrero Project will have to
9 meet these strict standards.

10 It has several features that help in
11 achieving this. The plant uses clean burning
12 natural gas which virtually eliminates some
13 pollutants and produces much lower levels of
14 others. And it has two emission control
15 technologies on it that are proven and effective.

16 As a result, the plant will meet all of
17 California's tough air, water and environmental
18 regulations.

19 As I said, the new plant must meet
20 California's strict environmental laws. This
21 includes a review of the project by both state and
22 federal agencies. I've listed here just a few of
23 those who are involved in the review process. You
24 can see there's quite a number. I put their
25 initials there.

1 They're the California Energy
2 Commission, the Air Quality Management District,
3 the local Regional Water Board, the City and
4 County of San Francisco, Bay Conservation and
5 Development Commission, National Marine Fisheries,
6 U.S. Fish and Wildlife and Department of Fish and
7 Game, just to name a few.

8 I'd like to also point out that the
9 project will meet or exceed all of the standards
10 that they set. In terms of air quality it meets
11 all of the air quality and health impact
12 standards.

13 In terms of noise, there are no increase
14 in noise levels over what the plant currently
15 produces.

16 Air emissions is perhaps the best story
17 that we have to tell. Air emission from power
18 generation in San Francisco will be significantly
19 reduced if this plant is built.

20 And finally, the improved water quality,
21 water cooling system will reduce environmental
22 impacts.

23 This is a picture of the site of the
24 existing plant, taken from the air. You can see
25 the site of the existing plant, as you can see the

1 area surrounding the power plant is a heavy
2 industrial area.

3 To the north is Pier 70, an area that's
4 being redeveloped for industrial uses. The area
5 is currently used to store abandoned vehicles from
6 San Francisco. To the south are warehouses and
7 marine container facilities. This entire area is
8 zoned for heavy industrial.

9 This simulation shows how the new power
10 plant will look. You can see the building in the
11 middle, that's where the plant will be. It will
12 actually have a facade that will cover the power
13 plant, itself.

14 The new generation will be housed in the
15 brick building that is similar to what is already
16 in the area around the plant. This building, in
17 addition to blending in with the local area,
18 provides noise suppression that makes the plant
19 quiet.

20 The reasons for putting the new Unit 7
21 at this site are simple. Power has been generated
22 here for over 100 years. The new plant is
23 consistent with the use in this area.

24 There's also electric infrastructure
25 available in the area. There's a PG&E substation

1 that's already there. There's gaslines already
2 there. And it's close to a source of a cooling
3 system that can be modified to serve the new
4 plant. This is a closeup of the plant just to
5 give you a better idea of what it would look like.

6 Finally, this last slide shows a
7 projected schedule, assuming the plant is approved
8 and goes forward. We estimate that the date for
9 commercial operation will be late in 2003.

10 Thank you.

11 HEARING OFFICER VALKOSKY: Does that
12 conclude your presentation, Mr. Harrer?

13 MR. HARRER: Yes.

14 HEARING OFFICER VALKOSKY: Are there any
15 questions from the audience for Southern's
16 representative?

17 Okay, no questions at this time. We
18 will take public comment later, but this is your
19 chance to ask Mr. Harrer anything you want on what
20 he's just said.

21 Ms. Garbesi, yes, please come up to the
22 microphone.

23 SPEAKER: Does it have to be just now --

24 HEARING OFFICER VALKOSKY: No, you --

25 PRESIDING MEMBER PERNELL: No, you can

1 ask later on under public comment.

2 HEARING OFFICER VALKOSKY: Right.

3 MS. GARBESI: Thank you for your
4 presentation. I had a quick question. Did you do
5 an analysis of how the necessary size of the plant
6 might be reduced by a serious implementation of
7 energy efficiency and/or load -- renewable
8 energies that are simultaneous with peaking loads?

9 MR. HARRER: I'm not entirely sure I
10 understand your question. If you're asking did we
11 look at the conservation methods as a way to --

12 MS. GARBESI: Be able to reduce the
13 plant size.

14 MR. HARRER: No, we did not specifically
15 look at that.

16 MS. GARBESI: Okay. In the AFC it says
17 something about having looked into the possibility
18 of solar and wind and other, biomass, I think, as
19 other sources. Do you have documentation on that,
20 on those studies?

21 MR. ROBINSON: Yes. John Robinson with
22 URS. In the AFC we looked at different
23 technologies that would provide the same level of
24 energy generation as the project that was
25 proposed. And so we compared those, how much it

1 would take of solar or wind to develop
2 approximately 500 megawatts of generation. And
3 that's documented in the AFC.

4 MS. GARBESI: Okay, so then you're
5 assuming no conservation, that the full 500 is
6 needed?

7 MR. ROBINSON: That's correct.

8 MS. GARBESI: Thank you.

9 HEARING OFFICER VALKOSKY: Thank you.
10 Is there anything else for Mr. Harrer at this
11 time?

12 Okay, sir.

13 MR. BROWN: My name is Lynn Brown and
14 I'm a resident of Bay View Hunter's Point. I'm
15 looking at all this, it looks good and everything.
16 But what do you have to, like a emergency response
17 just in case it blows up? You know, I didn't see
18 anything about that.

19 And we had one over at the other PG&E
20 plant, and the community wasn't even alerted.

21 MR. HARRER: Understand. This plant
22 will add just one, will add one more plant of
23 three separate units. And the statistical average
24 for these plants is better than 97 percent online.
25 So they're very highly reliable.

1 HEARING OFFICER VALKOSKY: I think, if I
2 understood Mr. Brown's question, it was more for
3 an emergency at the plant site, an explosion or --

4 MR. HARRER: -- alarm system --

5 HEARING OFFICER VALKOSKY: Yeah, just
6 basically your response. What kind of emergency
7 response? Is that more --

8 MR. BROWN: Right.

9 HEARING OFFICER VALKOSKY: Yeah, okay.

10 MR. BROWN: For the community.

11 MR. HARRER: Yeah, we do have an
12 emergency response plan, definitely.

13 MR. BROWN: For the community, though,
14 not just for you guys.

15 MR. HARRER: No.

16 HEARING OFFICER VALKOSKY: Was there
17 another question for Mr. Harrer? Ma'am.

18 MS. SIMON: Good afternoon. My name is
19 Anne Simon from Communities for a Better
20 Environment. And I don't have very good visual
21 imagination, so I couldn't tell from the picture
22 how high, what the dimensions of the brick
23 building for the new project were going to be, and
24 how high the new stack was.

25 And I was wondering if you could give

1 that to us in dimensions, and also give us a
2 comparison to something around here?

3 MR. HARRER: I can tell you the stack
4 height is 180 feet. The dimensions of the
5 building I don't have with me, but I can certainly
6 get them quickly. 110 feet --

7 MS. SIMON: 110 feet high?

8 MR. ROBINSON: Yeah, the highest point
9 all the way around.

10 MS. SIMON: And, wide, you know, on the
11 street?

12 MR. ROBINSON: I can't tell you off the
13 top of my head, but I think we can find that
14 quickly for you.

15 MS. SIMON: Thank you.

16 HEARING OFFICER VALKOSKY: Ms. Simon,
17 did you also want a comparison of the proposed
18 plant to the existing structures in the vicinity
19 or not?

20 MS. SIMON: Yes.

21 HEARING OFFICER VALKOSKY: Yeah, okay.
22 Can you provide that information? It doesn't have
23 to be at this instant, but before the conclusion
24 of the hearing?

25 MR. HARRER: Right, we can get that for

1 you, sure.

2 HEARING OFFICER VALKOSKY: Okay.

3 MR. SHILEIKIS: I think one thing you
4 can do, if you want, later, the two pictures up on
5 the stage that have the before and after --

6 HEARING OFFICER VALKOSKY: Sir, you're
7 going to have to talk into the mike.

8 MR. SHILEIKIS: I'm sorry, my name is
9 Dale Shileikis with URS. One thing you can do is
10 look at the two pictures up on the stage which
11 were the same as the ones in Mark's presentation.
12 And there's a shot of the current site on the
13 left, and there's a shot of the developed site
14 with the new unit on the right.

15 It will at least give you some
16 relativity between what's there now and what would
17 be there with the project, to get a sense of the
18 size comparison. That's one way of trying to
19 answer your question. It may not be exactly what
20 you were --

21 MS. SIMON: Right, I mean that is
22 sitting there, but it is my visual imagination.
23 If you tell me 110 feet, I can sort of add ten
24 stories up in my head, and get that. Whereas,
25 since there's no scale on your pictures it's a

1 little harder for me to tell. Thank you.

2 MR. HARRER: The other issue, the plant
3 does not abut the street. It's placed way back
4 into the --

5 MS. SIMON: No, it was on the side that
6 you would see from the street is what I was
7 asking, I mean from that direction. Not that it
8 is on the street.

9 MR. ROBINSON: John Robinson, URS. The
10 building, the main building will be approximately
11 280 feet wide. And I think the comment was that
12 it was about 110 feet high.

13 The existing stack, or the existing Unit
14 3 in the background is about 315 or '20 feet high
15 by comparison.

16 MS. SIMON: That photo shows two stacks
17 for the new building, is that right?

18 MR. ROBINSON: Two stacks that would be
19 180 feet high --

20 MS. SIMON: Each?

21 MR. ROBINSON: -- and the existing stack
22 in the back is over 300 feet high.

23 MS. SIMON: Okay, and if somebody at
24 some point -- I mean those of us who are going on
25 the tour, I guess, will see the existing site.

1 But if, at some point, someone could say, well,
2 280 feet wide by however deep by 110 feet high is
3 about like building X, or you know, the outside of
4 Candlestick or something. That would help.
5 Thanks.

6 HEARING OFFICER VALKOSKY: Okay, well,
7 we'll look forward to an on-the-ground
8 clarification when we get to the site visit then.

9 MR. VARANINI: Mr. Valkosky, could I
10 just make a comment for the lady that asked the
11 question about need and conservation and
12 alternatives.

13 There is appendix A in the AFC has a
14 report that basically is built off of the
15 electrical load and requirements on peak. It also
16 has data in there relative to how that electricity
17 might be served. And it has as its predicates,
18 and we can get detailed information to you, how
19 the model was built, and the discounting that went
20 on into the model for conservation and for
21 potential distributed technology.

22 HEARING OFFICER VALKOSKY: Sir.

23 MR. THOMAS: Hi, my name is Mike Thomas.
24 I'm with Communities for a Better Environment.
25 I'd like to help out with this question about the

1 height.

2 We heard that there's going to be two at
3 180 feet, two stacks at 180 feet. To help out
4 folks, anyone that's been to the new PacBell Park
5 will know that those towers, the light towers, the
6 new lights that they put back behind center field,
7 those stand at 95 feet.

8 So, imagine two of those standing on top
9 of each other. That would be the size of these
10 new two stacks that they're proposing to build on
11 the power plant.

12 My second point was around the
13 gentleman's comment from Southern, around no
14 emergency plan. You know, we work in Bayview
15 Hunter's Point, I think that's appalling that
16 there's no emergency plan.

17 Your project is proposing a 7000 gallon
18 ammonia tank coming every five days to service
19 your power plant. Imagine a motorized tank
20 carrying 7000 gallons of ammonia and not having an
21 emergency response plan.

22 I live in the neighborhood. I ride my
23 bike in the neighborhood. I'm worried about the
24 fact that there's no emergency response plan.

25 HEARING OFFICER VALKOSKY: Without

1 answering for applicant, I'd just like to note
2 that I have never seen a power plant certified by
3 the Commission without an adequate emergency
4 response plan.

5 So, I don't want to answer for you, and
6 I'm sure you can address that, but that is a
7 factor. Sir.

8 MR. MILLET: My name is Dick Millet,
9 Potrero Boosters Neighborhood Association. The
10 plant doesn't have to be housed. I'd like to know
11 how big the plant is naked. The existing one is
12 out there unhoused, it's naked. And they just put
13 a great big box around the new one.

14 And I think it makes it look larger than
15 it needs to be. Maybe they could hire a good
16 artist and do a good paint job on the plant,
17 itself, and it might come off better than putting
18 an unimaginative big box around it and hide it
19 that way. I just don't think that's the right
20 solution.

21 I have another question was that how
22 close can you build residential. The planning
23 department has zoned this as interim zoning,
24 multiuse, which is live/work lots. Now, I don't
25 know how they got to zoning this property

1 live/work lots, but they have.

2 And they have already got applications
3 to build live/work lots on Third Street which is
4 what, 200 feet away, something like that. And
5 there's some other loss going about maybe 400 or
6 500 feet away.

7 Is there any proximity requirements or
8 distances that are required from residential, for
9 instance?

10 HEARING OFFICER VALKOSKY: Sir, I'm not
11 familiar with the -- not yet familiar with the
12 planning provisions of San Francisco's plan, but I
13 can assure you that our staff will examine the
14 conformity of this project with the San Francisco
15 land use plans.

16 MR. MILLET: But after they've already
17 approved the construction of the housing adjacent
18 to the plant? Because they're approving those
19 things now.

20 HEARING OFFICER VALKOSKY: Okay, but I
21 mean --

22 MR. MILLET: And they have been
23 approving them for the past year.

24 HEARING OFFICER VALKOSKY: Right, but
25 the point is, is that this power plant would also

1 have to be consistent with the existing land use
2 plans. And I would imagine that, you know, prior
3 development that's been approved would be a factor
4 in that.

5 MR. MILLET: I just would like to see
6 the planning department here. I would also like
7 to see them at our task force meetings, and they
8 seem to be absent. When I ask these same kind of
9 questions or point this same kind of issue out at
10 the planning commission, they seem to be very
11 ignorant about what's going on and what they're
12 doing.

13 So, I think that probably the Energy
14 Commission maybe ought to contact the planning
15 department and ask them what they know, and what
16 they're doing, and what's their participation so
17 that you don't tell me that --

18 HEARING OFFICER VALKOSKY: I can assure
19 you that the Energy Commission will contact the
20 planning department, and we also -- Mr. Wheatland,
21 do you have any comments, since you're the
22 representative of the City?

23 MR. WHEATLAND: No, I don't have any
24 comments today on planning --

25 HEARING OFFICER VALKOSKY: Gregg --

1 MR. WHEATLAND: No comments, no, I don't
2 right now.

3 HEARING OFFICER VALKOSKY: And the
4 response from the City was no, no comments at the
5 present time.

6 MR. MILLET: And then, how far away,
7 what's the separation between this kind of use and
8 residential? Is it 200 feet, 500 feet, 1000 feet?

9 HEARING OFFICER VALKOSKY: Does anyone
10 from the applicant's team have any response to
11 this gentleman's questions?

12 MR. ROBINSON: I'm sorry, could you
13 repeat the question, I --

14 MR. MILLET: What separation is required
15 between this type of use and residential use?

16 MR. ROBINSON: Okay, in other words,
17 between --

18 MR. MILLET: Between the power plant and
19 the residence.

20 MR. ROBINSON: I don't personally have
21 the answer, but there may be someone on our team
22 here that does. Jodi -- the land use analysis.
23 She might be able to respond to this.

24 MS. SMITH: I'm Jodi Smith with URS.
25 And I did the land use analysis. I would want to

1 double check the zoning ordinance again before I
2 give you a definitive answer. And I don't have a
3 copy of that with me today, unfortunately.

4 But my understanding is that there isn't
5 a black-and-white distance, for example, written
6 into the industrial zoning code that would
7 specify, for example, no other resident -- or no
8 residential use can be built within X distance
9 from the site.

10 Just to clarify, as well, --

11 MR. MILLET: My point is that the City,
12 at this time, last week, for instance, just to
13 approve the extension of the interim zoning for
14 this particular area, and this area is designated,
15 the priority use is live/work/lots. Now I asked
16 them how they were going to put zoning in an area
17 that has power plants on it, and we were going to
18 add a second power plant to it, and why they are
19 still carrying it as mixed use, live/work lots
20 priority. Live/work lots is now identified as
21 residential.

22 And the whole area, now they're
23 approving buildings along Third Street, which is,
24 what is that, probably 200, 300, 400 feet max
25 away? They're approving these projects now.

1 That's what proposition L is all about, you know,
2 if you've been reading the papers.

3 MS. SMITH: I hadn't seen an interim
4 change in the zoning ordinance that, I mean in the
5 protections -- my understanding -- and I'll follow
6 up on this, definitely -- my understanding was
7 that most of the surrounding property that's
8 currently in industrial use was part of that
9 industrial protection zone that was not to be
10 changed.

11 Although I agree with you, I do know
12 that there is an area fairly close to this that
13 was fairly recently rezoned to allow live/work
14 units. And I am aware that a project has been
15 submitted to the City, to the planning department,
16 for industrial -- I mean for environmental review
17 that would allow live/work units, but it's in a
18 very preliminary stage and has not even formally
19 been presented to the City.

20 But I've had this similar discussion
21 about the compatibility with --

22 MR. MILLET: There's some of them that
23 they already have building permit applications in
24 that area. And also in the interim zoning map it
25 goes all the way to the water, along, what's that,

1 23rd Street to 20th Street, that whole site from
2 Third Street to the water is interim zoned,
3 priority use, live/work lots.

4 Now, that doesn't mean they have to do
5 it. It's interim zoning. But that's what they've
6 extended. And somehow they're not talking to each
7 other.

8 And even the planning department, or the
9 planning commission, much less, cares what's going
10 on in here, you know. They're just approving as
11 many live/work lots as they can get in there as
12 fast as possible because they know that we're
13 going to stop them, you know, and so they just got
14 to get them in there as fast as possible so they
15 can grandfather them in.

16 While you guys are grandfathering in
17 much heavier than they are. But that's why I
18 wonder can I build a residence right next to your
19 plant? Can I build a residence across the street
20 from your -- where it says Unit 7?

21 HEARING OFFICER VALKOSKY: Mr. Millet,
22 if I might, I would suggest you give your name and
23 address to the applicants -- was it Ms. Smith?

24 MS. SMITH: Ms. Smith.

25 HEARING OFFICER VALKOSKY: -- Ms. Smith,

1 and --

2 MR. MILLET: Okay, I'll give -- I've got
3 another question --

4 HEARING OFFICER VALKOSKY: -- and they
5 will respond.

6 MR. MILLET: -- that the lady brought up
7 about alternative uses for creating more power in
8 the City, since we do need it. Mission Bay is
9 building office buildings -- and I won't talk
10 about the residences because I don't think you put
11 those kind of things on residences. And they're
12 building a lot of industrial area.

13 They're going to have mechanical
14 equipment on the roofs to the tune of something
15 like 36 feet high. And why don't we get them to
16 produce their own electricity? Then we might be
17 able to make this a little bit smaller.

18 You know, some of these are all glass
19 buildings. When you have a wall around the top of
20 a building of an industrial building, 36 feet
21 high, the perimeter of the building -- and some of
22 these buildings are huge, you know, -- they ought
23 to be able to produce their own electricity, I
24 think. And then we wouldn't have requirements
25 like this, especially when we have what is it, a

1 300-acre site that we're planning to do? You
2 know, in the 21st century.

3 I think they ought to pick up some of
4 that load. We have problems with this kind of
5 development, even with sewage treatment. They can
6 pick up their own sewer treatment and then we
7 don't have to build units as large.

8 That's all I have to say.

9 HEARING OFFICER VALKOSKY: Thank you for
10 your observations.

11 MR. VARANINI: Mr. Valkosky, just as an
12 amendment to something that was talked about, the
13 emergency planning. The AFC does contain
14 emergency planning, but I think what the important
15 point that the gentleman brought up is the
16 interaction of kind of a standard emergency
17 planning process with public notification.

18 Because normally what we do is we go to
19 the fire department, we go through the different
20 emergency agencies, and we have a wonderfully well
21 done paper plan that has certain capabilities in
22 it.

23 But one of the things that came up in
24 San Francisco several years ago was the need to
25 really adapt that plan into a public notification

1 process. And there was substantial amount of
2 information and preferences from the public in an
3 earlier proceeding about that type of process.

4 And I think the point here is that we do
5 have a standard emergency planning processes. We
6 have tied into the fire department and to the
7 experts in the City that handle toxics and other
8 types of emergencies.

9 But what's important here, and I think
10 the point that was well made is that because of
11 the density, because of where citizens are and
12 their concerns, that it makes a lot of sense to
13 tie into that system a public process that gets
14 notices out to folks about what's going on, and
15 what they need to do should there be some form of
16 a very, I think statistically, unlikely event.

17 We know there have been some processes
18 in East Bay. And there have been problems with
19 those processes. So we need, really, advice from
20 the City and County and from the citizens as to
21 what they feel is necessary, and what they're
22 comfortable with.

23 And, as Mr. Valkosky points out, that's
24 a whole part of the process. The process is
25 not -- sounds one-sided today, but there are

1 several folks in the audience who have made major
2 impacts on the historical projects and those
3 impacts have been translated into the planning for
4 this project.

5 The Southeast Alliance, in particular,
6 basically did a cross-section analysis of power
7 plants and power plant deployment generally, and
8 then in San Francisco over a period of years. And
9 that analysis, in part, led to discussions about
10 Hunter's Point, and preferential deployment at
11 Potrero.

12 So, those are some of the issues that
13 we'll be discussing in the process. But there is
14 a standard emergency plan in the AFC.

15 PRESIDING MEMBER PERNELL: So, Mr.
16 Varanini, are you suggesting that you want to work
17 with the community to have an emergency community
18 alert if something happened? Or are you
19 suggesting that it's already there?

20 MR. VARANINI: No, I'm saying the plan,
21 we didn't include a public identification process.
22 We followed all of the regulatory norms to put the
23 plan together.

24 What we'd like to do is work with the
25 Committee, work with the Commission; most

1 importantly, work with the public about a
2 notification plan that they're comfortable with,
3 that they feel reasonably secure.

4 I mean there's always -- I know people
5 have anxieties, they have concerns. But we will
6 try to put together a plan that makes sense, and a
7 plan that the community prefers.

8 There's an issue here, of course, where
9 you don't want information flowing about calling
10 elections before the polls have closed --

11 (Laughter.)

12 MR. VARANINI: You don't want
13 information coming out about emergencies when it
14 misinforms, or creates disinformation. So it's
15 very important to understand what the public wants
16 and to sit down with the Commission's experts and
17 our experts and most importantly the local
18 government experts, and work out something that
19 the public, the community really, is comfortable
20 with.

21 PRESIDING MEMBER PERNELL: Thank you.

22 HEARING OFFICER VALKOSKY: Thank you.

23 Anything else for applicant's representatives at
24 this time?

25 MS. LYNN: I didn't realize I share the

1 same name as someone else who has already come up
2 for a public comment. My name is Lynn Brown,
3 also. And my question had to do with the
4 distribution of power more, of how it comes out of
5 the plant and the power lines.

6 And my question comes from -- I reside
7 and work at the corner of 19th Street and
8 Tennessee, and I've had PG&E out this year to
9 measure the electromagnetic fields in my home,
10 because I've been having computer problems and
11 other problems.

12 And it is a result of the high voltage
13 distribution lines that run both down Tennessee
14 and both down 19th.

15 And so my question is, do you foresee
16 looking into, or putting any moneys toward having
17 power lines put underground so that residents -- I
18 know it's very controversial and there's no
19 definitive evidence one way or the other regarding
20 electromagnetic fields.

21 I was just wondering if you foresee
22 taking any sort of initiative and putting money
23 behind undergrounding the power lines? Because I
24 assume, and maybe this is wrong, that there might
25 even be the possibility of more power going

1 through the lines that I already reside by,
2 especially with Mission Bay coming up.

3 And so that's -- can you address this
4 concern?

5 MR. HARRER: Sure. On the first
6 issue, --

7 SPEAKER: Someone repeat the question,
8 please?

9 HEARING OFFICER VALKOSKY: The question
10 essentially has to do with the effects of
11 electromagnetic fields from transmission lines,
12 and whether applicant is considering -- or to what
13 extent applicant may be considering undergrounding
14 lines associated with the project that basically -
15 -

16 MS. BROWN: Right, yeah, that's it.

17 HEARING OFFICER VALKOSKY: Okay.

18 MR. HARRER: With regard to the lines in
19 the City that are distribution lines, there's a
20 difference between transmission and distribution.
21 What comes out of a power plant is transmission.

22 All the transmission lines in San
23 Francisco are required to be underground. And
24 they already are. And that will continue to be
25 the case with this plant.

1 The distribution lines that PG&E owns
2 and operates really are not part of the project
3 directly. We wouldn't have any impact on them one
4 way or the other anyway.

5 MS. BROWN: Okay.

6 MR. HARRER: Okay. In terms of EMF, I
7 understand that EMF is a concern of a lot of
8 people, and it's very unclear whether it is an
9 issue or whether it's not an issue.

10 We do EMF calculations as part of the
11 AFC process, and they were done for this plant in
12 order to site the substation that was put in for
13 the plant.

14 MS. BROWN: So, can you tell me whether
15 I need to be concerned at all as to whether my
16 distribution lines are going to be carrying higher
17 voltage due to the implementation of this plant?

18 MR. HARRER: I can't really respond to
19 that. I don't know.

20 MS. BROWN: So, it could or it could
21 not, is that -- I mean --

22 MR. HARRER: It's a good possibility,
23 yeah.

24 MS. BROWN: Okay, but you are not --

25 MR. HARRER: We don't own the

1 distribution system. It belongs to PG&E. We
2 interface with them because we send the power to
3 them in transmission lines that are underground.

4 MS. BROWN: Right, --

5 MR. HARRER: And they further distribute
6 that power within the City.

7 MS. BROWN: But isn't there, I mean,
8 I've heard it rumored that you would like to take
9 a proactive approach and do remediation with the
10 neighborhood, --

11 MR. HARRER: Um-hum.

12 MS. BROWN: -- am I correct in that?

13 MR. HARRER: Right.

14 MS. BROWN: So, I'm wondering why this
15 seems to be a glitch between you and PG&E, and
16 whether there can't be a more creative approach
17 in, I mean I've already talked to PG&E, and --

18 MR. HARRER: And what have they told
19 you?

20 MS. BROWN: Well, that it's all a state
21 thing. The state needs to say definitively what
22 electromagnetic field, what range is not good for
23 someone, what's okay. And that's completely
24 unknown.

25 I'm concerned because I'm already at a

1 high range and there's a possibility of that range
2 escalating. And all I'm hearing is there's
3 nowhere to go with this. Which is not what I want
4 to hear as a resident.

5 MR. HARRER: Well, we're certainly
6 concerned about it, also, if it's a concern of
7 yours.

8 MS. BROWN: Okay.

9 MR. HARRER: We would certainly work
10 with PG&E. They do own the distribution system,
11 so we wouldn't have any legal right to do
12 anything, but we can certainly work with them to
13 set your mind at ease and see what we could do to
14 alleviate the situation.

15 MS. BROWN: Okay.

16 MR. VARANINI: The other thing that we
17 can do is the Energy Commission and the CPUC work
18 together as kind of sister agencies.

19 The general standards in the system for
20 EMF are set by the PUC. That's mainly, I believe,
21 on transmission. In terms of distribution, again,
22 the distribution system is subject to the
23 jurisdiction of the PUC. So I think what we might
24 be able to do is get together with you, identify
25 exactly what your problem is, take some

1 measurements. And then be able to create a kind
2 of a mini-brief or white paper, and take that to
3 both the CEC and their sister agency, and see
4 exactly what protections are afforded you.

5 And if there's something going wrong, or
6 if there's an area of uncertainty, then we can use
7 the process between the two Commissions to get
8 that area of uncertainty into the public decision
9 making.

10 It's a very convoluted process but there
11 is, there are standards and there are processes to
12 hold folks to those standards. And I think this
13 may be an opportunity, in one sense, anyway, to be
14 able to take your issue and get it elevated in the
15 process. And get some kind of information back to
16 you at a minimum.

17 MS. BROWN: Yeah, this issue gets very
18 confusing because I've heard that Potrero Hill was
19 already told, I don't know when, years ago, that
20 the distribution lines on 19th Street were to be
21 undergrounded. And they haven't been.

22 So I really don't understand the process
23 of this. As a resident, it gets very confusing.
24 And I'm just trying to find out if there's a way
25 to make it clearer. That's all.

1 MR. HARRER: When you signed up, would
2 you indicate, since there are two Browns here, can
3 you indicate you're the distribution Brown?

4 MS. BROWN: Well, it's somewhat on my
5 card. And I had one other -- I don't know if this
6 is the right time for this question. I don't know
7 when you approach a new neighborhood and upping
8 the power plant, it looks like this power plant
9 appears to be cleaner than what's already there.

10 But, me and two other residents where I
11 live, out of eight units, there are three of us
12 women who have had breast cancer at a pretty young
13 age. And so it's not -- there's many unknowns
14 around cancer.

15 The area I was coming from was is it at
16 all likely that you could do a general health of
17 Potrero Hill to understand what it can or can't
18 endure, whether it falls under PG&E or you or --
19 because when someone's diagnosed with cancer it
20 goes to a tumor board, and it's -- I think it's
21 pretty readily easily accessible information to
22 find out how many residents in the past five years
23 on Potrero Hill have had cancer, or asthma.

24 And so we don't have to wait until the
25 after-effects of something. You can say, well,

1 this is the general health of this area at this
2 point before we came in. And what can this
3 neighborhood tolerate or not tolerate at this
4 point in time.

5 But, anyway, that's all I really have to
6 say.

7 HEARING OFFICER VALKOSKY: Ms. Brown, I
8 just want to make sure. You're at 701 Minnesota
9 Street, --

10 MS. BROWN: That's correct.

11 HEARING OFFICER VALKOSKY: Apartment
12 212?

13 MS. BROWN: Right.

14 HEARING OFFICER VALKOSKY: Okay. I'll
15 provide that card to the applicant so they can get
16 in contact with you, then.

17 MS. BROWN: Okay.

18 HEARING OFFICER VALKOSKY: Ma'am, you've
19 got to come up here.

20 MR. HARRER: Sure, but, yeah, yeah,
21 there will. If you want to do it now, you can do
22 it now. It's your choice.

23 HEARING OFFICER VALKOSKY: Okay. Sir.

24 MR. CONTRERO: My name is Eddie
25 Contrero, and I'm President of a resident

1 management corporation here on Potrero Hill.

2 And my concern is a health issue. If
3 you can help me out right here, that smoke stack
4 is a big concern on the residents I represent.

5 I got on the phone; called about the
6 thing, burning early in the morning and late at
7 night.

8 Can you guarantee that this thing is
9 going to be safe for the residents there? They're
10 already talking about once that smoke stack goes
11 up, and you're talking about building two more.

12 How can I make these people feel that
13 this is going to be a safe thing that you're
14 bringing to their neighborhood? Is there any way
15 you can bring that --

16 MR. ROBINSON: John Robinson, URS. Part
17 of the analysis that's done is the health effects
18 analysis that looks at the, among other things,
19 the air emissions from the new plant. And
20 calculates the level of concentrations on the
21 ground where people live.

22 And then there's the health effects
23 evaluation that assumes a whole series of very
24 worst case kinds of situations. That somebody
25 lives at the same place for 70 years, that they

1 are exposed to the maximum concentration for 70
2 years, and then there's some -- what's the term,
3 Mark -- the epidemiological data are evaluated.

4 And, again, conservative factors are
5 used to determine whether or not there's an
6 increase in health risk. And this whole analysis
7 is prescribed by regulation, we've gone through
8 it.

9 And what we find is that the projected
10 health risk is way below the standard. You can
11 never provide an absolute guarantee. The
12 calculations that are required would indicate that
13 the addition of these two new units is going to
14 create very very very very very small exposure
15 under very worst case conditions. Conditions that
16 nobody in the community would actually experience.

17 MR. CONTRERO: Well, my concern is
18 like -- well, you have my address and if you come
19 up with that data could you please mail it out to
20 me, please, where I can get it.

21 MR. ROBINSON: Sure.

22 MR. CONTRERO: Thank you.

23 HEARING OFFICER VALKOSKY: Thank you,
24 sir. Anyone else at this time? Ma'am.

25 MS. DREFKE: My name is Babette Drefke

1 from Potrero Hill. I'm concerned about the health
2 of the people, too, even my own. You heard
3 somebody bring up the problem of having residents
4 living too close. That's very important. And how
5 about when the trucks come bringing chemicals or
6 anything else that's bad for the human beings,
7 what roads are they going to take to get there?
8 Are they going to go through the other residential
9 areas? Or how often do they come? And how many
10 times a day? Are we going to be protected against
11 those undesirable chemicals or whatever else you
12 bring?

13 And also, is the building down there
14 going to have a shield around it to protect the
15 residences from everything? I think that's one of
16 the latest things they're supposed to be doing.

17 And another question, if Hunter's Point
18 didn't want it, why should we have it? That's
19 what I want to know. If it's not good enough for
20 them, it's not good enough for us, either. And we
21 should know all of those things.

22 That's all.

23 HEARING OFFICER VALKOSKY: Do you have a
24 response about the handling of hazardous materials
25 at this time, Mr. Harrer or --

1 MR. ROBINSON: John Robinson, URS. The
2 hazardous material or the chemical that seems to
3 be on most everybody's mind is ammonia, which is
4 used as part of the emissions control system.

5 The ammonia is actually -- dilute, thank
6 you, Mark, it's mostly water with a little bit of
7 ammonia in it. The percentage of ammonia is about
8 29 percent. So it's not the kind of ammonia that
9 will create a big cloud and be highly toxic.

10 In spite of that, let me go back, to
11 answer your question about how often. Once every
12 five days a tanker truck would come to the site to
13 deliver a tankful of ammonia for the project.

14 The ammonia would be stored in tanks
15 that are in the back of the project near unit 3.
16 The tanks are going to be built into a sump so
17 that if there's ever a hole in one of the tanks
18 all the liquid would drain into this sump and be
19 contained right on site.

20 During the transportation of the
21 solution with ammonia in it to the site, that will
22 be transported by a licensed hazardous materials
23 carrier. These are truckers who are licensed and
24 have special training to deal with any kind of an
25 incident if there were a spill or something like

1 that. And there's a whole response plan that they
2 have to have, as well.

3 So these things have all been planned
4 out. We can't say exactly what route the tanker
5 truck would take, because in part we don't know
6 exactly from where the ammonia is going to come
7 from. There are different terminals throughout
8 the urban area, and you order them and you get a
9 delivery.

10 The most likely thing is it would come
11 on probably highway 280 or 101 and get off on one
12 of the major arterials and come down to Illinois
13 and then come down to the plant site for its
14 delivery.

15 Again, those deliveries would, at most
16 frequent, be once every five days.

17 MS. AQUIRRE: My name is Ena Aquirre. I
18 live in Bayview Hunter's Point. I'm getting up
19 right now to speak because it's getting very late.
20 It's about 2:15 now, and if we're going to do the
21 site visit then, you know, I don't want to be one
22 of the people that's not going to speak because I
23 was being nice about something.

24 Okay, I have the following questions.
25 They're not really questions, but you know,

1 whatever.

2 One of the problems that I'm having is
3 that I don't have the basic information to put
4 what you're telling me in the proper context. And
5 by that I mean that I really don't know what the
6 San Francisco grid needs to have and what we
7 actually have.

8 What I do know right now, just from
9 leafing through those papers, is that the plant
10 that you are talking about has 360 megawatts right
11 now. You're going to, you know, there's going to
12 be something that's going to be new for 540, for a
13 total of 900.

14 So, my question is I mean does San
15 Francisco, on a day-in and day-out basis, is that
16 all they need? Or are there megawatts coming from
17 someplace else that, in fact, give us the number
18 of megawatts or whatever they're called, to meet
19 the needs of San Francisco on a day, you know, on
20 a day-to-day basis?

21 Now, I don't have that information so I
22 don't know whether increasing the power plant in
23 Potrero will in fact stop any more building of
24 power plants. Or whether this is just one of
25 three more that we may need.

1 So, this is what I'm talking about,
2 about not having, you know, the basic information
3 to make an intelligent educated decision.

4 The next point that I wanted to make is,
5 you know, there was a mention in the presentation
6 that Bayview Hunter's Point power plant will be
7 closed. But we have been told that for the last
8 ten years in Bayview.

9 And as of now we still don't know
10 whether that is a fact, or whether it's fiction.
11 There is no timeline to close it. There's
12 absolutely nothing that those of us who live in
13 Bayview Hunter's Point have been getting. So we
14 don't know that.

15 In other words, the scenario could be
16 that you will build what you want. But the power
17 plant in the Bayview continues, you know, as it is
18 right now.

19 And that's the kind of scenario that we
20 would not like to see. That there's a commitment
21 both from, you know, the Commission here, as well
22 as you all, that this is going to be the last one;
23 that the Bayview Hunter's Point will be closed;
24 and that there will be no more need to build
25 another one because all the needs of San Francisco

1 will have been met.

2 Now, another question that I have is who
3 is the contact person for Southern Energy? I mean
4 I would like to be able to have the name of the
5 person that I can talk to to ask some questions,
6 so that, you know, when I come to any more of
7 these meetings I don't feel so isolated from
8 information.

9 The next thing is that I, like a lot of
10 us, because of the incidents that had happened in
11 Bayview Hunter's Point, are very concerned about
12 the community outreach, you know, the Advisory
13 Committee, the community emergency and/or other
14 processes.

15 We know that you have to have an alert
16 process for the City and County and the State, or
17 whatever. But where this thing has broken down in
18 Bayview Hunter's Point is from the power plant
19 letting us know what's going on. So, you know,
20 this is why a lot of us are concerned about that.

21 And my next point has nothing to do with
22 you all except this place. This is a very drafty
23 and cold place, you know, it's very bad for some
24 of us who have arthritis and all kinds of things.
25 This is really very cold. I almost got up and

1 left about, you know, half an hour ago. And I'm
2 glad that somebody at least closed the doors to
3 make it better.

4 But I really think that you all should
5 think about all those things whenever you choose a
6 place to have a meeting.

7 The next point is, is this power plant
8 going to have any impact on sewage? You know, we
9 in Bayview Hunter's Point, we're the only
10 neighborhood -- well, actually I shouldn't say
11 that, there are only two neighborhoods in the
12 entire country of the United States that has a
13 sewage plant in the middle of a neighborhood,
14 okay. And one of them is in Harlem, New York.
15 And the second community is Bayview Hunter's Point
16 in San Francisco. So a lot of us are very
17 concerned about the sewage impact of anything that
18 comes.

19 The next one is I know that a lot of us
20 are interested in your residential employment
21 plan, you know, what kind of residential
22 employment plan do you have? And then, of course,
23 last but not least has to do with the
24 environmental effects, as well as the health
25 effects.

1 So, as was said, a lot of us have
2 asthma, a lot of us have heart conditions, and a
3 lot of other things that we feel that we have to,
4 you know, really be on the look-out to make sure
5 that our environment is not made worse.

6 And the last thing is that because
7 politically now in San Francisco we're in a
8 neighborhood called district 10, Bayview Hunter's
9 Point, we are neighbors, we are going to be
10 working together. We're all residents of the same
11 district. So it's important that we all try to
12 help each other.

13 Thank you.

14 PRESIDING MEMBER PERNELL: Thank you,
15 ma'am.

16 HEARING OFFICER VALKOSKY: Thank you,
17 ma'am. Applicant, do you want to try to respond
18 to any of these now, or can you respond to them
19 later?

20 MR. HARRER: Sure. We can take a few of
21 them. I don't remember them all, but I'll try to
22 address what I can.

23 First of all I guess the issue of the
24 Hunter's Point Power Plant is probably the most
25 straightforward one to answer.

1 The City and County of San Francisco and
2 PG&E signed a memorandum of agreement a couple
3 years ago to shut that plant as soon as sufficient
4 capacity replacement energy was available in the
5 City to allow the plant to shut down.

6 Currently the only way that's possible
7 is if the new Potrero plant is built. If you
8 assume that that plant may come on line sometime
9 around the end of 2003, I would guess that that
10 plant could be shut down expeditiously thereafter.
11 Because it won't be necessary any longer.

12 MR. VARANINI: Let me just add that that
13 memorandum of understanding wasn't necessarily
14 driven just by good will. Essentially the City
15 and County of San Francisco, when the divestiture
16 process came forward to sell the plants, the City
17 and County of San Francisco indicated that if
18 there wasn't a plan to shut it down, that they
19 would condemn that property.

20 So that the negotiations were not simply
21 between PG&E and the City in kind a party-by-party
22 basis, but there was an implication for
23 condemnation. And also that particular deal was
24 approved by the PUC. And the PUC is the entity
25 that provides PG&E with money. So it has

1 substantial clout in terms of its role in the
2 process so that this is about a five-sided game
3 with PG&E holding the sixth side.

4 You have a strong legal and political
5 and policy leverage that's gone on with the
6 administration here in San Francisco over a very
7 long period of time.

8 In terms of fluctuation of requirements
9 and needs, I can only send you back to appendix A.
10 Generally it's 1100 plus on peak, and maybe 400
11 megawatts on trough. That's just simply the high
12 and the low in the system as it exists.

13 There's a requirement for a certain
14 amount of power plants to be running inside the
15 City in case something happens and the electrical
16 system separates. It can do that in two ways:
17 Losing lines or you can have a frequency
18 disturbance in the western grid, or even just in
19 the region.

20 When it separates there has to be a
21 certain amount of power plant power running in the
22 city for two reasons. One for emergency reasons,
23 and the other for restart.

24 Restarting a system, should we get into
25 a real calamity, is very very complicated. It's

1 possible, for example, for the Jim Bridger plant
2 in the mountain states to go off the system and
3 basically knock out the whole western region of
4 the United States.

5 The western system is the most
6 complicated machine in the world according to some
7 experts. So that it is literally, the physics
8 literally are if you turn on an electric razor to
9 shave in San Francisco there is a finite, very
10 very small, but finite change in Cour d'Alene in
11 Idaho. That's how interconnected the system is.

12 And that's how important it is to have a
13 certain number of machines that are called
14 reliability machines, and to have those machines
15 running to protect the system from different types
16 of upsets.

17 But there's lots and lots of data. Some
18 of it is very complicated. We'd be happy to sit
19 down and go over that with you. And to the extent
20 that it has complex mathematics that really
21 usually just talk about fourth decimal place.
22 It's kind of like, it's more important to talk
23 about dollars than, you know, hundredths of a
24 cent. And we can talk to you in terms, and we'll
25 meet with you and discuss it in terms that you're

1 comfortable with, rather than simply giving you
2 all kinds of technical details.

3 MR. HARRER: I guess one of the other
4 issues you brought up was about the wastewater
5 treatment plant and what we're adding to the local
6 system.

7 We're adding approximately 10 additional
8 employees, and that's really the only impact on
9 the system. We don't -- none of our effluent --
10 or the effluent, sewage does go there, but it's
11 only a hotel load, it's only from people that are
12 there. There's nothing that comes from the plant.

13 HEARING OFFICER VALKOSKY: Sir, we can't
14 hear you. Last --

15 MR. ROBINSON: If I could amend our
16 answer here and just inform you that the agreement
17 that Mr. Varanini spoke about with the City is
18 included in appendix A of the application. So if
19 you want to read it, it's in there.

20 HEARING OFFICER VALKOSKY: Okay. And
21 the other specific thing is the lady asked for the
22 name of a contact person for Southern.

23 MR. HARRER: I am the contact. I'll be
24 glad to give you a card at the break.

25 MS. AQUIRRE: Okay, thank you.

1 HEARING OFFICER VALKOSKY: Okay? Great,
2 thank you.

3 PRESIDING MEMBER PERNELL: Let me
4 respond to one, as it relates to where the meeting
5 is being held. And what the Commission wants to
6 do is bring the meeting to the neighborhood. And
7 so that everyone can participate.

8 I'm sure that the City will accommodate
9 us in a building downtown, but I'm not sure that
10 that would be convenient for you. So, we're --
11 and I want to take the opportunity to thank the
12 owners of this building for letting us use it, but
13 the thought here is to bring the meeting to the
14 community, to the residents and hear what your
15 concerns are.

16 HEARING OFFICER VALKOSKY: Okay.

17 MR. HATTER: Hi, I'm Edward Hatter from
18 the Potrero Hill Neighborhood House. And thanking
19 us, as owners, the community owns this building.
20 This is our house --

21 PRESIDING MEMBER PERNELL: Well, I thank
22 the community.

23 MR. HATTER: -- okay? But you were
24 talking about dollars and cents. And that's where
25 I want to hit hard on. The economic value of your

1 plant coming to our neighborhood. It's like
2 borrowing from Peter to pay Paul. Bayview
3 Hunter's Point wants you out of Bayview Hunter's
4 Point, so you want to come over and double up in
5 Potrero Hill.

6 What's going to stop us from not wanting
7 you here? And then what economic opportunities
8 are there for us, you know, for the residents of
9 Potrero Hill. You're having ten new employees.
10 Do you have a training center for some of our
11 young people here in Potrero Hill to get the
12 education and skills it takes to go to work at
13 your plant? You know, you'll have people retiring
14 from your plant.

15 Are we going to get any rate cuts? You
16 know, we got PG&E, you know, pressuring the PUC
17 right now to raise our rates, you know, to try to
18 offset some of this surplus utilities and
19 wholesale utilities they're purchasing to supply
20 San Francisco.

21 Okay, you guys are going to be the
22 wholesalers. Right down in our neighborhood. So
23 can we get part of that wholesale? Dollars and
24 cents.

25 HEARING OFFICER VALKOSKY: Sir, thank

1 you. Do you want to address any chances for
2 economic --

3 (Laughter.)

4 MR. HARRER: As far as local hiring
5 preferences, -- yeah, I think in terms of Southern
6 Energy, we want to be a good neighbor wherever we
7 go, and we have a reputation of being that way.

8 We will certainly -- one of the things
9 that we're entering into today is a dialogue with
10 the community. This is really our first chance to
11 do that.

12 We will certainly be talking to members
13 of the community about things we might do locally.
14 We're certainly open to that.

15 HEARING OFFICER VALKOSKY: Okay. Thank
16 you. Anyone else --

17 MR. ROSTOV: Hi, my name's William
18 Rostov and I'm with Communities for a Better
19 Environment.

20 And I think I have a simple question.
21 It's just a yes or no answer.

22 Do you have an agreement with PG&E that
23 if you build your plant on Potrero Hill, that PG&E
24 will shut down Hunter's Point?

25 Does Southern have an agreement with

1 PG&E that Potrero Hill is built, PG&E will shut
2 Hunter's Point Power Plant?

3 MR. HARRER: We are not a party to the
4 MOU between the City and PG&E.

5 MR. THOMAS: Again, Mike Thomas with
6 Communities for a Better Environment. I wanted to
7 address Ena's question around sewage. And that's
8 a major issue in San Francisco, especially in the
9 southeast San Francisco.

10 And, you know, wastewater production,
11 wastewater out of your plant will be 72,000
12 gallons per day that your plant -- I'm reading a
13 document that's provided by the State of
14 California Energy Commission dated November 20th
15 -- I'm sorry, November 3, 2000.

16 You'll use 228 million gallons per day
17 for cooling purposes, and then a rate for wash
18 water, potable water, a combined rate of
19 consumption of this water will be 72,000 gallons
20 per day.

21 So, again, this is an issue that we
22 brought up over the years with Mission Bay
23 Development. Eighty percent of wastewater is
24 coming to Bayview Hunter's Point. They're
25 planning on building not 180 foot towers, but 90

1 foot towers in Bayview Hunter's Point.

2 So, again, just reiterating the fact
3 that we have more water entering San Francisco's
4 combined sewer system. So it might not be
5 sanitary waste, but it is water that will enter
6 that combined system.

7 Is my point clear? Do you --

8 MR. ROBINSON: John Robinson, URS. I
9 think your point is clear, but I want to make sure
10 that we categorize things properly.

11 The cooling water, the large volume is
12 not going into the wastewater system. It's only a
13 very small volume, the 72,000 gallons per day.

14 MR. THOMAS: That's a small -- 72,000
15 gallons per day is a small volume?

16 MR. ROBINSON: It's a relatively small
17 volume, yes, compared to what that system is --

18 MR. THOMAS: For 365 days, and you're
19 planning on this thing for 40 years?

20 MR. ROBINSON: That's a maximum per day
21 volume which would occur in a storm event. The
22 average use over the life of the project on an
23 average basis is going to be -- let me check my
24 number here --

25 MR. THOMAS: Well, the way that this

1 gentleman over here characterized it was that
2 there was just a few gentlemen that might be using
3 the bathroom. I mean we're talking about 72 --

4 MR. HARRER: It's treated sewage we were
5 talking about.

6 MR. THOMAS: But it's entering the
7 combined sewer system which ends up in Bayview
8 Hunter's Point.

9 MR. ROBINSON: That's correct.

10 MR. THOMAS: Thank you.

11 MR. DeANDRADE: Good afternoon. My name
12 is Phillip DeAndrade, and I'm the Chair of the
13 Potrero Hill Community Advisory Task Force, which
14 is a body of approximately 11 or 12 people who was
15 appointed by the Board of Supervisors to provide
16 information to the City in terms of developing its
17 reaction and response to the application for a
18 power plant at Potrero 7.

19 My basic purpose for coming up here is
20 to introduce myself to you. I feel I'm not
21 appropriately attired, but I cook in a restaurant
22 nearby, and came right from work.

23 I also guess I want to alert the rest of
24 the community that we do have this task force, and
25 that it would be appropriate to funnel through the

1 task force some of the concerns of the community
2 so that we can funnel our information together to
3 the City. And if it isn't adequately presented to
4 you by the City, then we will take steps to
5 present it more directly to you.

6 We do not, at this point in time, have a
7 whole list, and we are not, at this time, formal
8 intervenors. However, those are considerations
9 which we are deciding upon even as we speak.

10 Some of the immediate issues that will
11 be of concern to us or that we know will be of
12 concern to us, are such things as air quality.
13 And our concern that the air quality
14 considerations not fold into the Bay Area air
15 quality considerations.

16 I understand and we understand that that
17 is an important consideration, that we deal with
18 the community as a whole, but we're specifically
19 concerned that no deleterious effects be visited
20 upon this community, and that those deleterious
21 effects be traded with other communities that
22 don't have a pollution problem, so that, in fact,
23 the overall numbers look good, but the specific
24 problems in terms of our community don't look so
25 good.

1 We will be concerned with our kids and
2 asthma. We will be concerned with particulate
3 matter dropping into the Bay in the area of the
4 plant and affecting the quality of the water in
5 the Bay. We will be concerned with transportation
6 in and out of that community.

7 We're concerned with the fact that
8 housing is now planned for immediately adjacent to
9 this plant, something that wasn't there when we
10 earlier started these considerations.

11 And so now this Commission is being
12 asked to approve a plant immediately adjacent to a
13 residential area, and I'm not sure if a new permit
14 were being issued that would ever be allowed,
15 given that direct proximity.

16 So these are things that we're going to
17 ask you to look more directly at. I don't have
18 any specific details to give you right now. My
19 real purpose was to introduce myself and to let
20 you know that this was coming.

21 HEARING OFFICER VALKOSKY: Thank you,
22 sir, appreciate that very much.

23 MS. GARBESI: Forgive me for taking more
24 of your time. May I suggest the next time we put
25 the mike at the side so the speakers don't have

1 their backs to the audience. Because a lot of
2 what we say also we'd like to share with the
3 community.

4 I wanted to address one of the questions
5 I think you brought up. There are data now on
6 breast cancer in this community. And they're
7 twice the rate of what the rest of the Bay Area
8 is. And the Bay Area is high for the nation.
9 That's true also for ovarian cancer. It's true
10 also for respiratory problems.

11 And I think the reason why this
12 community, who is so incredibly polite, asking
13 about what San Francisco's electricity needs are,
14 the reason why there's a nervousness is that, you
15 know, we don't know this stuff well.

16 I know enough about epidemiology to know
17 that we don't understand synergisms. When you
18 have people loaded up with a chemical stew from,
19 you know, having the greatest density of Superfund
20 sites in California in an area, they're
21 understandably nervous about having sited in their
22 neighborhood yet another source.

23 Now, obviously the biggest reason for an
24 enormous yes for the Potrero facility and to have
25 that facility soon is to close down Hunter's

1 Point. And I understand those tradeoffs.

2 But, what this gentleman was raising
3 here, I think, is very much to the point. There
4 are alternatives to putting the 500 megawatts in
5 one neighborhood that already suffers the insults
6 for all the historic generation, also, of
7 electricity for the City of San Francisco.

8 Yes, indeed, buildings can generate
9 their own power. I live in a house that generates
10 its own electricity. And it generates it during
11 peak periods of peak demand which offsets the need
12 for those additional megawatts.

13 Who is the additional electricity for
14 that we're planning for? It's for, by and large,
15 the wealthy sector of this community, and people
16 who are coming into this community. It's for the
17 dotcoms, it's for now less the dotcoms and more
18 the financial sector. Those are the people who
19 are going to be benefitting. That's why there is
20 resistance.

21 One could say, well, if a business can
22 come into San Francisco and afford to pay five
23 times the rent that businesses paid only a year
24 ago, that they could afford to put in a renewable
25 energy system that would generate their own power,

1 and put their own power production on their own
2 roofs and not in this Potrero neighborhood where
3 people are living. So, I think there's an
4 understandable reticence.

5 But I want to actually address a very
6 specific question. And it relates to the one
7 criteria pollutant for which the local area is out
8 of compliance, according to the AFC. It is PM10.
9 The Bay Area, as a whole, is also out of
10 compliance for ozone. But we at least exceed the
11 standards in the local area for PM10.

12 And this brings me back to your choice
13 of NOx control technologies. You're proposing to
14 use SCRs, selective catalytic reduction, which is
15 the thing that requires that you use ammonia. And
16 there is an alternative that is being proposed
17 now, even for large plants. I understand that
18 SOCNOx has only been proven on and certified by
19 the California EPA for a 34 megawatt plant, I
20 think it was, 32, 34, something like that. But is
21 now proposed for a large facility down south.

22 That technology requires no ammonia.
23 You're familiar with it because it is in your AFC.
24 And the reason why I think that deserves more
25 consideration and very focused consideration is

1 because you're proposing to store the ammonia for
2 your facility in an area of your lot which,
3 according to your own maps, is artificial fill,
4 which amplifies seismic risk, as we know from our
5 own recent San Francisco experience.

6 I'd like to know -- specifically I want
7 to know about the design of the sump area that you
8 have. You talk about the containment facility,
9 but not specifically how the sump area is
10 designed.

11 But a much bigger question than that is
12 why not consider SCONOX because this is a
13 peculiarly high risk area. You're right next to
14 the Bay, you're on artificial fill. I don't know
15 exactly what the topography looks like from that
16 ammonia site, and I'd like to see it on the site
17 visit, from that site down to the Bay.

18 But, you know, I was an environmental
19 scientist before doing this. I studied
20 contaminant transport. I've looked at how stuff
21 flows through porous media. You get land
22 movements, you get cracks in facilities like
23 concrete containers.

24 So you get the earthquake happening. Is
25 that stuff then just going to run down to the Bay?

1 It seems like a technology, if it's available,
2 that doesn't require that would be a lot safer.

3 Thank you.

4 HEARING OFFICER VALKOSKY: Thank you.

5 I'd just like to note that many of these concerns
6 will be analyzed, and also it is my understanding
7 that the Bay Area Air Quality Management District,
8 in formulating its determinations of compliance,
9 also analyzes SCONox technology, as to whether
10 that would be viable. And I'm sure that our staff
11 will also do that analysis at some point.

12 Okay. Before I turn to staff -- yes?

13 MR. ROBINSON: Mr. Valkosky, I wonder if
14 I could just make a further clarification to my
15 answer to Mr. Thomas --

16 HEARING OFFICER VALKOSKY: Certainly,
17 Mr. Robinson.

18 MR. ROBINSON: -- about the wastewater.
19 He was going pretty quickly and I had to go back
20 and calculate.

21 Mr. Thomas spoke of the 72,000 gallons
22 per day of water use. That is a number out of the
23 AFC. However, the portion of that that's actually
24 going to go into the City's wastewater treatment
25 system is about 3000 gallons per day.

1 HEARING OFFICER VALKOSKY: Okay, thank
2 you. All right, before I turn to staff, is there
3 anyone else that would like to address comments
4 toward the applicant on the proposal?

5 Okay.

6 (Pause.)

7 HEARING OFFICER VALKOSKY: Mr. Pryor.

8 MR. PRYOR: If you'd bear with me for a
9 minute. I'm not a PowerPoint Ranger, so I'm using
10 a little slides. Old technology here.

11 Before I get started I'd like you to
12 know that this handout is for you. I'm just going
13 to go through the handout with overhead slides.
14 So there's a couple piles of them over here.
15 Raise your hand if you need a copy of it, please.

16 I'd like to make the distinction that
17 there are two Marks here, Mark Harrer, who's the
18 Project Director for Southern, and myself, Marc
19 Pryor, who's the Project Manager for the Siting
20 Office with the Energy Commission. My name is
21 with a "c", his is with a "k". He's Harrer
22 because he has more hair than I do.

23 (Laughter.)

24 MR. PRYOR: It's fallen out. Okay,
25 there we go. The first slide. Everybody okay

1 with that? That was easy. Now we get harder.

2 What I'd like to do is go over -- now
3 you've heard a lot already about what the -- who
4 the Commissioners are, the Committee and
5 interrelationships between the Energy Commission
6 Staff and the applicant and the Committee, itself.

7 Second slide. The Commission is five
8 individuals. They've been appointed by the
9 Governor. And the Committee is comprised of two,
10 Commissioner Pernell, our Presiding Member for
11 this case. You have not met our Chairman of the
12 Commission, Mr. Keese.

13 We have a Hearing Officer, that's Mr.
14 Stanley Valkosky. You've met him. He runs the
15 hearings. There's a difference between hearings
16 and workshops. The Committee will run the
17 hearings, and staff will conduct a number of
18 workshops. And I'll probably be the one running
19 those.

20 Mark Harrer you've met. Myself. And
21 Roberta Mendonca, who is the Public Adviser, you
22 heard the presentation from Ms. Ross. Ms. Ross
23 may have left you with a little bit of confusion.
24 Staff will be conducting an independent analysis
25 of this application, and will be making a

1 recommendation whether the project should be
2 certified or not. It's not a done deal, as some
3 people like to say.

4 The Public Resource Code 25001. The
5 purpose of our siting process is to insure that a
6 reliable supply of electrical energy is maintained
7 at a level consistent with the need for such
8 energy for protection of public health and safety,
9 for the promotion of the general welfare, and for
10 environmental quality protection.

11 For siting process, the Energy
12 Commission in the State of California has
13 permitting authority for thermal power plants 50
14 megawatts or larger. What's a thermal power
15 plant? Well, this is one that uses natural gas
16 with a combustion turbine generator and steam
17 generator. Another example would be solar. And
18 we don't do wind.

19 We also, the Energy Commission considers
20 related facilities; facilities that are related to
21 the application, itself, transmission lines, water
22 supply systems, natural gas pipelines, waste
23 disposal facilities and access road. We
24 coordinate with state, local and federal agencies
25 that have purview in this matter.

1 We're the lead state agency for the
2 Environmental Quality Act, CEQA. We're a CEQA-
3 equivalent process, so to speak. We don't follow
4 the normal CEQA process, if you will. There's not
5 an EIR that will come out of this. But we are
6 subject to all the CEQA guidelines, and review of
7 compliance with applicable regulations.

8 When we say regulations we mean laws,
9 ordinances, regulations and standards. So not
10 only must we comply and make sure the project
11 complies with CEQA, our equivalent process, but we
12 also insure that it complies with all laws,
13 ordinances, regulations and standards that apply
14 to it.

15 We have an engineering analysis. We
16 hold public workshops and hearings. The CEQA
17 documentation. What you'll see as products out of
18 the Commission will be two staff documents. One
19 is a preliminary staff assessment that should be
20 coming out in about March, I believe. You will
21 have an opportunity to make public comments. And
22 the intervenors, of course, are parties in the
23 case. Staff is an independent party.

24 Essentially what we will do is our next
25 document that would come out, after taking into

1 consideration all the comments and workshops that
2 we will hold, will be a final staff assessment.
3 That will be staff's testimony. This is a quasi-
4 judicial process. We will essentially be going to
5 court and the Committee will be hearing the
6 evidence presented by the parties. We will also
7 hear more public comment from those who are not
8 intervenors or official parties.

9 The next process, or next product that
10 you will see will be the Presiding Member's
11 Proposed Decision. That will also go out -- that
12 will be taking the record that's compiled in the
13 hearings and our testimonies, and they will put
14 forth a proposed decision about the plant.

15 That will go out for a 30-day comment
16 period. Go back. They will come out with a
17 revised proposed decision. Then will be a
18 Commission decision.

19 The siting process made here is a year
20 long. But it actually takes a little longer,
21 sometimes much longer. It starts with prefiling.
22 We've done some prefiling, a lot of prefiling with
23 this applicant. That's where staff meets with
24 them, tries to make sure that the product they put
25 in, the application for certification, will have

1 enough information for us to get started on our
2 analysis.

3 The applicant submitted the application,
4 the AFC, on May 31st. Staff recommended to the
5 Energy Commission that it was not data adequate.
6 There wasn't enough information. And there's
7 criteria for us that we match against, whether
8 that thing was adequate or not. We recommended to
9 the Commission they determine that it was not.

10 The applicant went back and filed a
11 supplement to their AFC. And on the 11th of
12 October the Energy Commission determined that that
13 made the application complete or data adequate
14 enough for staff to get started on the next phase,
15 which is discovery.

16 We're having the information hearing and
17 site visit today. We've filed data requests, the
18 staff has. I think the number's about 140 data
19 requests to the applicant. And we will be having
20 a workshop in this building on the 20th. And I
21 apologize, I'm actually the person who got the
22 building. Actually I like it, but I'm cold, too.
23 It's hard finding a place. If someone can help
24 me, I'd appreciate it. But I really, I like the
25 place from certain aspect, and I really appreciate

1 the people here at the House opening it to us.

2 We will probably have more workshops. I
3 know there are more data requests coming down the
4 line. In addition, other parties, the intervenors
5 can issue data requests essentially on each other,
6 if they want, not just on the applicant. They can
7 go back and forth.

8 The Committee hearings, I've mentioned
9 those. They will take testimony. They will take
10 evidence. And the decision, draft proposed
11 decision; public comment period; hearing
12 Commission decision.

13 And then after, if the project is
14 certified, there's a compliance phase. There are
15 many many conditions of certification that will be
16 required. And we have a compliance unit, actually
17 someone like myself will be given this to go into
18 the compliance phase and insure that all those
19 conditions are complied with.

20 I've worked at other agencies, and I
21 really think that we have a pretty good open
22 public process. I've worked for planning
23 agencies, or one, and sometimes you think things
24 don't work out as well as you'd like.

25 The ex parte rule was mentioned. I

1 cannot go to Mr. Valkosky and talk about
2 substantive items outside a publicly noticed
3 meeting, a workshop, hearing. Can't do the same
4 with Mr. Harrer.

5 Sometimes that will happen. Sometimes
6 something we'll start on something, and something
7 substantive will be discussed. And in that case a
8 report of conversation will be docketed with our
9 docket unit at the Energy Commission to be part of
10 the official record. Very rare.

11 Our notices, they need to go out at
12 least ten days ahead for workshops and hearings.
13 We try to do it 14 days. One that went out for
14 the November 20th didn't go out till yesterday, so
15 that's less than 14 days. Sometimes it takes
16 awhile getting all the signatures required.

17 We have mailing lists, a very long one
18 in this case. Depending on whether you're a
19 property owner or an intervenor or an agency, we
20 have segregated those up into different lists. If
21 you want to be on a list I suggest that you go
22 through the Public Adviser's Office first. And we
23 can get things worked out there.

24 The application, would you mind holding
25 that up there -- volume one. Okay, they submitted

1 two volumes originally. They're both this size.
2 The supplement was about that wide. You should be
3 able to find copies. I've sent copies to the
4 Potrero Hill Library, the Bayview Waden, is that
5 correct, Bayview Waden Branch? I've been there
6 but I don't remember how to pronounce it. And the
7 main library here in town.

8 We also have copies in our library up in
9 Sacramento at the Energy Commission. We also have
10 a website. Many of our documents are on there.
11 If you have a problem with the website or can't
12 figure out how to get somewhere you can call the
13 Public Adviser's office, or you can call me and I
14 can give you a hand. And our address is on the
15 bottom of page 7.

16 I didn't have that up there, I'm sorry.
17 You didn't say a thing. Am I putting you to
18 sleep? Oh, no, I'm putting you to sleep.

19 Coordination with other agencies. Right
20 now we're working with the City and County of San
21 Francisco, Bay Area Air Quality Management
22 District, Fish and Game from the State, Bay
23 Conservation Development Commission, Caltrans, Air
24 Resources Board, and the Water Quality Control
25 Board, including -- and then the federal agencies,

1 we're working with National Marine Fisheries
2 Service, which is referred to as NMFS, and Fish
3 and Wildlife Service and EPA.

4 All right, we're getting towards the end
5 on this part, bear with me, please.

6 Page 9, once again the contacts, my
7 name, title, phone number, email address, Hearing
8 Officer's, Roberta Mendonca, Public Adviser, and
9 Mark Harrer's name and title. I don't have his
10 phone number, I didn't have it at the time when I
11 made up the slide.

12 MR. HARRER: It's on the handout.

13 MR. PRYOR: It's on the handout, okay.
14 You're going to have more paper to take home than
15 you'll want.

16 That concludes this part of my
17 presentation. I believe we'll have a second part
18 on issues. Okay. Thank you very much.

19 Are there any questions?

20 HEARING OFFICER VALKOSKY: Are there any
21 questions on the process or staff's role in the
22 process for Mr. Pryor? You've got to come up to
23 the mike. We just can't pick you up otherwise.

24 MR. THOMAS: Just wondering about the
25 status of Commissioner Keese?

1 PRESIDING MEMBER PERNELL: Commissioner
2 Keese was excused. He had some other Commission
3 business. He will be attending these proceedings.
4 And, as I said earlier, in his place is his
5 Advisor, Mr. Terry O'Brien. But Mr. Keese will be
6 participating.

7 HEARING OFFICER VALKOSKY: Is there
8 anything else for staff?

9 Okay, the next portion of this hearing
10 has to do with issue identification and
11 scheduling.

12 On November 3rd our staff filed a
13 document called its issue identification report.
14 In that it highlighted certain topical areas which
15 in its opinion at the present time posed a
16 potential for still needing resolution.

17 And there's also a scheduling portion to
18 that. Before we move on to the scheduling
19 portion, I'd like to ask staff to summarize the
20 issues portion of its report.

21 MR. PRYOR: Would it be better if I just
22 stayed here and not try the overheads? I'm seeing
23 some good nods out there, say, yes, Marc, that
24 would work better. Okay.

25 The purpose of the issues identification

1 report is to inform participants of potential
2 issues and try and put an early focus on those.
3 We're not limiting to those that we have
4 identified in our issues report. In fact, many
5 others have just come up. I don't see Mr. Millet,
6 but he brought up land use; there's been
7 transmission line safety and nuisance issues;
8 traffic issues; hazardous material handling
9 issues; the wastewater. Many different issues.

10 So what you see in there now has already
11 been augmented. So we have been writing them
12 down. What we got were -- the way we generated
13 this, I asked our staff members, our experts in
14 different areas, we look at about 23 different
15 areas, what they saw as potential issues at this
16 time.

17 That's pretty difficult to do, because
18 in our discoveries we're really in discovery
19 period where we're getting the information from
20 the public, from intervenors, from our own
21 research, where we really start getting an idea
22 what the issues are.

23 So, if this seems like not very
24 comprehensive, it isn't, because we don't know
25 what all the issues are.

1 Our criteria that we use is that impacts
2 that may be difficult to mitigate, noncompliance
3 issues, board issues. Potentially contentious, I
4 think we have one or two here. Potential
5 scheduling delays. That's important to especially
6 the applicant.

7 But we identified last week for this
8 report environmental justice and that revolves
9 primarily around public health. The environmental
10 justice is a complicated issue and it touches on
11 many of our technical areas, public health, air
12 quality. But public health is really the core.

13 Biological resources, we know there are
14 issues with that. And visual resources.

15 Environmental justice, minority
16 population greater than 50 percent within six
17 miles of the project. The '90 U.S. census
18 identified that. We got that out of there.

19 March 2000 there was a prefilings
20 community meeting. There were meetings held to
21 discuss public health environmental justice
22 issues. The Energy Commission Staff attended
23 this. We have a person who's heading up our EJ,
24 environmental justice analysis on this project.

25 So our staff member, City and County of

1 San Francisco, Bayview Hunter's Point Health and
2 Environmental Assessment Task Force; and Bayview
3 Hunter's Point community activists, and University
4 of California San Francisco.

5 I believe that -- Southeast Alliance for
6 Environmental Justice here? Okay, I believe you
7 were involved in that, do you know?

8 HEARING OFFICER VALKOSKY: I --

9 MR. PRYOR: Okay, they were there. I'm
10 sorry, Mr. Stan, I got in trouble there.

11 Public health portion of environmental
12 justice in order to determine and address the
13 potential contribution from the proposed project's
14 emissions, as well as what measures would be
15 required to reduce those emissions to levels that
16 would not impact on people, staff will work with
17 other agencies, you've just seen them there, the
18 Air Quality District, EPA, City and County of San
19 Francisco.

20 The last sentence is very important. In
21 addition, staff will work with other organizations
22 who desire to participate. Okay, desire to
23 participate, once again I would urge you to go
24 through the Public Adviser. Start there.

25 Biological resources. We looked at the

1 biological data that was provided in the AFC, and
2 staff determined that additional biological
3 resources data must be collected to validate
4 baseline conditions that were given, or that
5 exist.

6 We signed an agreement with the
7 applicant for sampling protocols to the
8 development of that. We're going to be requiring
9 three months of data to be evaluated to determine
10 the need for further sampling. Now, talking about
11 aquatic species. I didn't mention that. There's
12 a concern over what's going to happen to the fish
13 and other aquatic species from the outfall of the
14 plant and the intake of the cooling water.

15 Up to 12 months of data collection may
16 be needed. And therefore, if 12 months is needed,
17 and the biological resources analysis, the FSA at
18 the very least will be delayed, or could be
19 delayed.

20 We formed a agency working group and
21 right now it's comprised of Energy Commission
22 Staff, National Marine Fisheries Service,
23 Department of Fish and Game, Conservation
24 Development Commission, Regional Water Quality
25 Control Board and the City and County of San

1 Francisco. There may be others that join us.

2 Visual resources. Views from the
3 Potrero Hill neighborhood residential area. It
4 was pointed out by our visual people that the
5 views from the hill residential neighborhood up
6 here may be adversely affected by the proposed
7 project. And the significance of the impact is
8 yet to be determined by our staff. That will be
9 part of the discovery.

10 I don't have a copy of the visual or the
11 data requests that went out. I think there were
12 about 52 visual data requests that we issued on
13 the applicant.

14 Vapor plume. The AFC visual resources
15 section contains insufficient information
16 regarding the exhaust stack vapor plume. We need
17 to know its characteristics, its size and
18 frequency, its visibility to assess whether or not
19 a significant visual impacts will be associated
20 with the plume.

21 Visual resources, we're not sure whether
22 the LORS compliance -- we're not certain that
23 compliance has been made with the LORS yet.
24 Design of the building facade and the roof, and
25 the offsite planning of warm water cove and park

1 are concerns of ours.

2 As I say, we have prepared the data
3 requests. They have been issued. The 20th will
4 be the data request workshop here. They will
5 start at 2:00 in the afternoon and break for
6 dinner, and then go no later than 9:00.

7 Our primary purpose is to allow the
8 applicant to ask clarifying questions about the
9 data requests. It's very important. The primary
10 purpose is so that they can ask us what did you
11 mean by this. We don't understand.

12 That does not preclude the public from
13 asking questions. But we're trying to stick to
14 those data requests as well as we can.

15 Our proposed schedule. Page 17. You
16 can go through there, some of the important parts
17 are the dates, the 20th. Then the responses to
18 that first set of data requests should be provided
19 to the Energy Commission on the 5th of December.

20 I have in here as a placeholder that
21 we'll submit more data requests on the 2nd of
22 January. That has to be played by ear. I don't
23 know. They may be sent earlier than that, maybe a
24 little bit later.

25 We'll have another workshop -- anytime

1 we have data requests go out from us, we'll have a
2 workshop to discuss them. And we should have a
3 workshop to discuss the responses, as well.

4 Preliminary staff assessment, I have
5 March 27th. That's the first document you should
6 see of our analysis. The second one, the final
7 staff assessment, should be the 9th of May if the
8 schedule holds.

9 Hearings should start May 23rd and
10 conclude June 8th.

11 The Committee's PMPD, by this schedule,
12 would be 14 August. Revised PMPD 26 September.
13 And going to the Commission for a decision on
14 October 10th. That's if the schedule holds
15 together. Sometimes it works, sometimes it takes
16 longer.

17 That's all I have for my presentation.
18 There are acronyms in the back.

19 HEARING OFFICER VALKOSKY: Mr. Pryor,
20 before I get to questions from the public, just
21 two points of clarification.

22 One on your workshop on November 20th,
23 which topics will you be covering, which topics
24 could the public ask questions about?

25 MR. PRYOR: I don't have the list right

1 here, I'm sorry. It's a fairly long list. Starts
2 with air quality, goes to biological resources --
3 thank you very much, Ms. Ross -- cultural
4 resources, traffic and transportation, visual
5 resources, power plant reliability, power plant
6 efficiency, geology and paleontology, noise,
7 transmission system engineering, and soil and
8 water resources.

9 Those were the categories that were
10 included in the data requests. We would -- I
11 wouldn't discourage the public from bringing up
12 other aspects, but this is what we want to
13 concentrate on, because this is the pressing need
14 that staff has right now in working on its
15 analysis.

16 HEARING OFFICER VALKOSKY: How soon
17 after the 20th would you anticipate -- I'm not
18 asking for a specific date, just general time
19 frame -- that you would hold public workshops on
20 other areas, perhaps some of those that you've
21 heard discussed here today?

22 MR. PRYOR: There may be mid December,
23 maybe early to mid December may be another set of
24 data requests in lieu of January 2nd. Otherwise
25 it will be within a couple weeks after January

1 2nd.

2 HEARING OFFICER VALKOSKY: Okay, so
3 essentially we're looking at about two weeks from
4 now. And then around the middle of January for
5 the next public workshops conducted by the staff?

6 MR. PRYOR: Right.

7 HEARING OFFICER VALKOSKY: Okay, fine.
8 Last clarifying question. It deals with the
9 scheduling of the biological data. You had
10 indicated in your issue identification report that
11 applicant had not provided a schedule to produce
12 the data?

13 MR. PRYOR: One of the provisions in the
14 agreement -- I skipped over that, didn't I? I'm
15 sorry. One of the provisions in the agreement was
16 that the applicant would submit a proposed
17 protocol, a draft protocol with a schedule by a
18 certain time.

19 They did provide a draft protocol, but
20 we did not see a schedule in there. The schedule
21 is important for knowing how long the data
22 collection will take, and what will be done when.

23 HEARING OFFICER VALKOSKY: And when do
24 you need the schedule by -- let me back up. What
25 are the consequences of the applicant either not

1 to produce a schedule or delaying in producing a
2 schedule?

3 MR. PRYOR: The direct implication is
4 that the staff's assessment on biology will not be
5 done according to the schedule you see at the back
6 of the packet.

7 Another provision in the agreement is
8 that the applicant will not contest a delay of the
9 project.

10 HEARING OFFICER VALKOSKY: Okay, thank
11 you. Mr. Harrer, did you have any further
12 information on when you'll produce a schedule?

13 MR. VARANINI: Mr. Valkosky, this is
14 Gene Varanini. We did include a schedule, but we
15 put it in the text, we didn't break it out from
16 the text.

17 I think that that may have led to some
18 confusion. And what we intend to do is to meet
19 with the staff and go over this. And then put a
20 document in that literally is a series of bullets
21 with dates, a critical path document.

22 HEARING OFFICER VALKOSKY: Okay, well,
23 the Committee will look forward to clarification
24 on this matter.

25 Last question for staff that I have. We

1 understand that the Bay Area Air District will be
2 making its determinations. Are there any other
3 determinations that will be made by other agencies
4 such as BCDC, the City or the County, Fish and
5 Game, any of those agencies that will influence
6 the timing of this process?

7 MR. PRYOR: BCDC, Fish and Game and the
8 Water Board will all have permits that are outside
9 of our process, but are, to a certain extent,
10 linked. They do not run on the same timeframe
11 that we do. In addition, there may be a Fish and
12 Wildlife Service permit that may be required. But
13 at this time I'm being told no.

14 The other agencies sometimes aren't as
15 driven to comply with this, it's not their
16 schedule, it's our schedule. And sometimes there
17 are delays in getting those products, which can
18 delay the cert, and even our analysis or the PMPD.

19 HEARING OFFICER VALKOSKY: Again, I mean
20 typically in our process we include the CDFG,
21 California Department of Fish and Game
22 determination. Generally it would include
23 something for the Bay Conservation and Development
24 Commission, so are you telling me those will be
25 included?

1 MR. PRYOR: I can't answer to you what
2 the specific products that we will be expecting
3 from whom right now. I don't have it off the top
4 of my head.

5 HEARING OFFICER VALKOSKY: Okay. Again,
6 that would be something else the Committee would
7 appreciate clarification on.

8 Mr. Varanini, do you have anything to
9 add here about the other permitting agencies, the
10 timing of their determinations?

11 MR. VARANINI: Not at this time. We've
12 been meeting with all the parallel agencies and
13 attempting to inform them about the process, about
14 the issues. And we hope that we can coordinate a
15 general schedule and fold those into the Energy
16 Commission schedule process.

17 HEARING OFFICER VALKOSKY: Okay, thank
18 you.

19 PRESIDING MEMBER PERNELL: I have one
20 question for staff. Commissioner Pernell.

21 If on the 20th all of the items that are
22 scheduled to be covered at the workshop is not
23 covered, we would have additional workshops to
24 make sure everything is out on the table, is that
25 correct?

1 MR. PRYOR: That is correct, sir.

2 PRESIDING MEMBER PERNELL: Thank you.

3 HEARING OFFICER VALKOSKY: Okay, are
4 there questions from members of the public for Mr.
5 Pryor? Ms. Simon.

6 MS. SIMON: Thank you. With your
7 permission I have two questions about the issues
8 report, and one question about the schedule.

9 HEARING OFFICER VALKOSKY: Certainly.

10 MS. SIMON: The issues questions relate
11 to the discussion that you've been having about
12 the fish study.

13 One question is whether the interagency
14 group that you described, Mr. Pryor, has made any
15 provision for comment from members of the public
16 on its protocols, or input from members of the
17 public on the committee, since there is actually a
18 great deal of experience in the San Francisco Bay
19 Area among nongovernmental organizations about
20 issues of fish resources in the Bay.

21 MR. PRYOR: I don't recall a specific
22 schedule for workshops to address these. I think
23 what will come out of this is the protocol will be
24 published, and we will work with anyone who wants
25 to work with us on it.

1 It will require public workshops to
2 address the biological resources areas.

3 MS. SIMON: But those workshops will be
4 after the study, though, is that right?

5 MR. PRYOR: No.

6 MS. SCHWEBS: Actually, could I just --
7 the next set of workshops there will be a
8 discussion about those, as well. We just sent out
9 the email yesterday --

10 PRESIDING MEMBER PERNELL: Excuse me, --

11 MS. SCHWEBS: -- to the various
12 agencies.

13 MR. PRYOR: This is Monica Schwebs.
14 She's --

15 MS. SCHWEBS: Sorry. I just wanted to
16 clarify that.

17 MR. PRYOR: She wrote part of the
18 agreement.

19 MS. SCHWEBS: Yes. Rick York, the
20 biologist who has been working on this for the
21 Energy Commission, just sent out an email
22 yesterday to the various agencies that are part of
23 that work group indicating that he would like to
24 discuss the protocol at the workshops that will be
25 held on the 20th.

1 So, so that will be an opportunity for
2 the public to find out more about what's going on
3 there.

4 MS. SIMON: And at that workshop will
5 there be sufficient detail for members of the
6 public so that people could, for example, find out
7 if particular attention or special provision in
8 this study is being made to deal with the species
9 of fish that people eat in the Bay Area, that the
10 subsistence fisher people who fish around here
11 eat, as distinct from the other species? Will
12 that level of detail be available to members of
13 the public?

14 MR. PRYOR: I don't know, but I think
15 that we should bring that up at the workshop.

16 MS. SIMON: Because that's a well
17 studied issue here, and very important. Thank
18 you.

19 My schedule question is that I did not
20 notice in the schedule, and it may be because I
21 read it too fast, data response workshops built in
22 for both sets of data requests. Are you intending
23 to have workshops on the responses, as well?

24 MR. PRYOR: That's my omission. That
25 should have been in there. Yeah, and I don't know

1 offhand what that date will be for the first.

2 MS. SIMON: So, the --

3 MR. PRYOR: She's talking about a
4 workshop to go over the responses from the
5 applicant.

6 MS. SIMON: Okay, so --

7 MR. PRYOR: I don't have that with me.

8 MS. SIMON: -- will there be a unified
9 schedule that will include the data response
10 workshops that people on the mailing list will
11 get?

12 MR. PRYOR: Are you talking about an
13 overall schedule --

14 MS. SIMON: Yes.

15 MR. PRYOR: -- that will have everything
16 on it?

17 MS. SIMON: Or that has everything that
18 is a public event, like the workshops.

19 HEARING OFFICER VALKOSKY: There will
20 not be, because to do such a schedule, staff's
21 schedule is largely speculative. It's an ideal
22 schedule. Each event will, however, be separately
23 noticed. So you will have at least ten days
24 notice of the next event, okay.

25 And, again, while we can nominally

1 create a schedule extending over the next year, I
2 think experience has shown that it's ultimately
3 misleading given the vagaries of individual
4 schedules in cases and things like that. So
5 that's about the best we can do.

6 MS. SIMON: Thank you.

7 HEARING OFFICER VALKOSKY: Okay.

8 PRESIDING MEMBER PERNELL: Thank you.

9 HEARING OFFICER VALKOSKY: So is there
10 anything else for Mr. Pryor? Question, sir?

11 MR. DeANDRADE: Just one --

12 HEARING OFFICER VALKOSKY: Sir, you've
13 got to be up at the microphone.

14 MR. DeANDRADE: I apologize if I
15 didn't -- my name is Phil DeAndrade, I'm with the
16 Task Force.

17 I perhaps didn't understand, or didn't
18 hear how the four issues on page 4 of your
19 memorandum to Commissioner Pernell, identifies
20 certain subject areas as major issues, and others
21 as no. How is that determination made? That
22 environmental justice was a major issue. Public
23 health, biological resources. But that air
24 quality was not a major issue.

25 MR. PRYOR: I solicited from the

1 technical staff what they saw as issues at the
2 time. This was about a week ago.

3 Yes, there are concerns we have, but the
4 specialists didn't have what he saw as issues that
5 he can address at this time.

6 Public health is integrally integrated
7 with air quality, but we don't have a handle on
8 how we're going to --

9 MR. DeANDRADE: I understand that, but I
10 suspect that air quality, I mean it could be
11 lumped into the issue of public health, but I
12 believe that air quality is going to become a
13 major issue, and is going to become one as a
14 result of our understanding that the monitoring is
15 done at a much broader level than perhaps we
16 understand the impacts might be.

17 And from a neighborhood, from a local
18 perspective, we're going to -- I think we'll see
19 that as an issue.

20 MR. PRYOR: Yeah, I have that written
21 down. I have 15 items here that I heard earlier
22 that have been already expanded issues --

23 MR. DeANDRADE: Okay, and then there are
24 also certain cultural resources, like buildings
25 and all that, you've already included that fact

1 that the planning commission may see a couple of
2 the buildings there as historic buildings that are
3 under, that kind of issue is already assumed?

4 MR. PRYOR: Yes.

5 MR. DeANDRADE: Okay.

6 HEARING OFFICER VALKOSKY: Anything else
7 for Commission Staff from anyone?

8 Before we recess for the site visit is
9 there anyone else who would like to offer any
10 general public comment at this time?

11 Okay. Seeing no response, after I
12 assume about 10 or 15 minutes we'll be leaving on
13 a site visit. We'll go off the record.

14 (Off the record.)

15 HEARING OFFICER VALKOSKY: We're going
16 back on the record. I'd just like to confirm that
17 buses will be here shortly for all that are
18 interested. And we hope to see you at the site
19 visit.

20 We'll reconvene the informational
21 hearing at 6:00 p.m. tonight. It will essentially
22 be, to the extent warranted, a rehash of the
23 matters we've covered this afternoon. Nothing new
24 will be added, at least by us, unless someone from
25 the public does.

1 And with that, if there are no further
2 questions, I'd like to thank you all for your
3 attendance and participation.

4 We're adjourned.

5 (Site visit.)

6 (Whereupon, at 3:25 p.m., the hearing
7 was adjourned, to reconvene at 6:00
8 p.m., this same day.)

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1 EVENING SESSION

2 6:00 p.m.

3 PRESIDING MEMBER PERNELL: Okay, we'd
4 like to reconvene the hearing. And does anyone in
5 the audience have any questions on the site visit
6 or any of the material that we covered this
7 afternoon?

8 Seeing none, is there any questions from
9 staff? Intervenors? Or public?

10 MS. ROSS: Is there anyone in the room
11 that wasn't here earlier? Hi.

12 (Laughter.)

13 PRESIDING MEMBER PERNELL: Applicant,
14 any questions? Any questions from the site visit?
15 Mr. O'Brien, any questions?

16 MR. O'BRIEN: I have no questions,
17 Commissioner.

18 PRESIDING MEMBER PERNELL: Okay. Well,
19 if there's no questions, no other business to come
20 before the Committee at this time, let me just say
21 that -- cover a couple of housekeeping items.

22 HEARING OFFICER VALKOSKY: Excuse me,
23 Ms. Ross, is the Public Adviser's Office aware of
24 anyone that intended to show up tonight?

25 MS. ROSS: No.

1 HEARING OFFICER VALKOSKY: In other
2 words, is there, in your opinion, any reason we
3 should continue --

4 MS. ROSS: I'd be more than happy to
5 talk to this gentleman and give you whatever
6 information it is that you'd like to have from
7 here. And I'm sure there would be a staff and an
8 applicant person that could help us through that.

9 Most of the people who have been
10 involved in this case --

11 HEARING OFFICER VALKOSKY: Excuse me,
12 Priscilla.

13 MS. ROSS: I'm sorry. Most of the calls
14 that we have received have been from intervenors
15 that are involved with groups, or people that are
16 talking about intervention are involved with
17 groups like the Communities for a Better
18 Environment, that sort of thing.

19 So, I don't know of any individuals.
20 But I certainly would want to make sure that this
21 man doesn't leave without the information that he
22 came for.

23 HEARING OFFICER VALKOSKY: Okay, sir,
24 are you satisfied getting the information after we
25 adjourn the hearing from Ms. Ross? That's fine?

1 Is that an indication of --

2 SPEAKER: I understood --

3 HEARING OFFICER VALKOSKY: I'm sorry,
4 sir, we can't --

5 SPEAKER: I understood there was a
6 presentation this evening and there would be a
7 program on that. I got a mailing from the --

8 HEARING OFFICER VALKOSKY: That's
9 correct, and we're right now trying to figure out
10 whether we should all stay here and --

11 SPEAKER: Well, there's obviously --

12 HEARING OFFICER VALKOSKY: -- do the
13 program, or if you can get your advice -- or if
14 you can get the information elsewhere.

15 So, is it fair to say that it's okay?

16 SPEAKER: Yes, --

17 HEARING OFFICER VALKOSKY: No, if --

18 (Pause - phone ringing.)

19 SPEAKER: Here come the election
20 results.

21 (Laughter.)

22 HEARING OFFICER VALKOSKY: Sir, would
23 you be satisfied in getting the information
24 informally from Ms. Ross and the staff and
25 applicant representatives?

1 SPEAKER: Yeah.

2 HEARING OFFICER VALKOSKY: I see a yes,
3 thank you, sir.

4 PRESIDING MEMBER PERNELL: Okay. The
5 Committee will issue a schedule and order no later
6 than November 27th. I would think that it would
7 be earlier than that, but let me just, for the
8 record, say they will issue that order no later
9 than November 27th.

10 If there is no other questions or
11 concerns, either from the community, the
12 intervenors, staff, applicant, this Committee
13 hearing is adjourned.

14 (Whereupon, at 6:05 p.m., the hearing
15 was concluded.)

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CERTIFICATE OF REPORTER

I, DEBI BAKER, an Electronic Reporter,
do hereby certify that I am a disinterested person
herein; that I recorded the foregoing California
Energy Commission Hearing; that it was thereafter
transcribed into typewriting.

I further certify that I am not of
counsel or attorney for any of the parties to said
hearing, nor in any way interested in outcome of
said hearing.

IN WITNESS WHEREOF, I have hereunto set
my hand this 17th day of November, 2000.

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